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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, our God, You have called us to represent You. May our lives bring honor and glory to your holy Name. Strengthen our lawmakers with Your spirit's power. Empower and guide them to serve You by serving the lost, the lonely and the least. Be in their minds and understanding. Be also in their mouths and their speaking.

Fill them with Your truth and give them sufficient abilities to deal with the changing issues they face. Lord, show them the doors of opportunity through which You would have them pass. And, Lord, we ask that You would be with the cyclone victims of Myanmar. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 6, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

SCHEDULE

Mrs. MURRAY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half, the majority will control the final half.

After morning business, the Senate will resume consideration of H.R. 2881, a bill to reauthorize the Federal Aviation Administration. At 2:30 p.m., there will be a rollcall vote on the motion to invoke cloture on the substitute amendment.

As a reminder, the filing deadline for second-degree amendments on the FAA bill is 1:30 p.m. today. If cloture is not invoked on the substitute, we expect to vitiate the cloture vote on the underlying bill and immediately proceed to a cloture vote on the motion to proceed to S. 2284, a bill to restore the financial solvency of the national flood insurance fund.

MEASURES PLACED ON THE CALENDAR—S. 2972 and S. 2973

Mrs. MURRAY. Mr. President, I understand that there are two bills at the desk for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 2972) to reauthorize and modernize the Federal Aviation Administration.

A bill (S. 2973) to promote the energy security of the United States and for other purposes.

Mrs. MURRAY. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FAA MODERNIZATION

Mr. MCCONNELL. Mr. President, the underlying FAA bill that came out of the Commerce Committee had wide bipartisan support. The provisions that came out of the Finance Committee that are directly related to aviation financing have wide bipartisan support.

This bill was on a fast track to passage and to improving airline safety in our country. Unfortunately, our friends across the aisle bogged it down with extraneous provisions that do nothing to improve airline safety and that do not belong on this bill.

And then, to prevent any changes to those provisions, they used a procedure that used to be rare to block amendments and improvements to the bill. So rather than quickly passing an airline safety bill that has broad bipartisan support, our friends on the other side have decided it is more important to fight for a few pet projects.

Rather than quickly finish the bill and move on to gas prices, they have decided to dig in and fight for a few extra provisions for a few extra Senators. The right choice is clear: We should quickly pass the bipartisan aviation-related portions of the FAA bill and move on to legislation that addresses the high price Americans are paying at the pump.

Republicans put forward an energy proposal, a plan that gets at the root of the problem rather than at increased dependence on OPEC. The Republican plan would increase the supply of American energy and bolster American jobs while lowering our dependence on foreign oil.

Meanwhile, Democratic suggestions for addressing high gas prices ranged from driving slower to more frequent oil changes. This is a debate we are eager to have. One wonders if the reason our friends are stalling on the FAA bill is that they are worried about exposing the fact that they have no plan for gas prices.

But Americans who are paying close to $4 a gallon for gasoline do not particularly care which party comes up with the idea; they would like some action.

CYCLONE DEATHS IN BURMA

Mr. MCCONNELL. Mr. President, my prayers go out to the families of those killed in Burma in this past weekend's natural disaster. Initial estimates reported the cyclone killed more than 22,000 people and tens of thousands more are missing.

Yesterday, First Lady Laura Bush announced that the United States is prepared to provide assistance and supplies to Burma, but at this time the Government has not accepted our offer.

I urge the Burmese Government to move quickly and accept the offer of the American people and act in the best interests of the population.

CONGRESSIONAL GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, I had a chance earlier this morning to attend the signing ceremony for legislation to award Aung San Suu Kyi the Congressional Gold Medal. I wish to thank the President and the First Lady for their continued support on this issue.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protests and resistance. Suu Kyi has chosen dignity as her weapon, and she has found allies around the world to aid her in this struggle.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the world know the American people would stand with her and the freedom-loving people of Burma.

HONORING OUR ARMED FORCES

SERGEANT CHRISTOPHER T. HEFLIN

Mr. MCCONNELL. Mr. President, I rise today because there is a family in Kentucky that has lost their beloved son in this time of war. SGT Christopher T. Heflin of Paducah, KY, was killed on November 16, 2004, during combat operations in the Al Anbar Province of Iraq. He was 26 years old.

For his valor in service as a U.S. marine, Sergeant Heflin earned several medals, awards and decorations, including the Navy and Marine Corps Commendation Medal, two Navy and Marine Corps Achievement Medals, the National Defense Service Medal, two Meritorious Masts and the Purple Heart.

Sergeant Heflin's mother, Meleasa Ellis, still remembers well the day Chris told her he intended to enlist in the Marine Corps. ''When he was a senior [in high school], he came home [and] said, 'Mom, I need to talk to you,''' she says. '''I want to join the Marines,' he said. I said why? His response: 'I want to serve my country.'''

Before the Marines, there was football, Chris's first love as a child. He started playing in sixth grade and by high school had become the starting center on the team, wearing the No. 50 jersey.

''He was a young man who led by example . . . . He played center and was always one of the hardest-working players I had,'' says Jeff Sturm, Chris's head football coach at Reidland High School in Paducah. ''He was just a quality young man. I just hate to see it happen, but I'm proud that he was over there defending his country. That's the way he led his life.''

Growing up, Chris also was a member of the National Hockey League Association of Ohio and of Mount Zion Baptist Church in Paducah. He had an afterschool job at Taco John's. He enjoyed riding his four-wheeler, which he called his ''country Cadillac,'' and he had recently taken up deer hunting.

The vigorous life suited Chris, who was always on the go. ''If he sat still, it was just because he had to eat,'' remembers his brother Cory Heflin. ''If I had any problems, I could come to him. He was always there if I needed someone to talk to. We always stuck together. Now he's going to a better home.''

Cory and other family members also remember how active Chris was in volunteer work. His favorite program was the Marine Corps Reserves' Toys for Tots, which collects toys for needy children at Christmas. Chris made sure to do his part every year.

''He missed a lot of Thanksgivings with us to make sure the kids had Christmas,'' his mother Meleasa recalls. ''During Thanksgiving, he was helping wherever he was with Toys for Tots; he had a passion for kids. He would have been a great dad someday.''

Chris graduated from Reidland High School in 1997 and signed up with the Marine Corps 5 days afterwards. He would go on to serve with them for nearly 8 years. By the time he deployed to Iraq, Chris was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, based at Camp Pendleton, CA.

One of his first assignments put him behind a desk. Chris communicated his displeasure to his friend, the Reverend Larry Davidson, the man who had baptized Chris when he was a young teenager. ''He said that was not what he wanted to be here for,'' the Reverend Davidson says. ''He wanted to be on the battlefield.''

Chris would move on to spend 3 years training reservists in weapons and equipment use in Moundsville, WV. While there, he worked with John Nanny, commandant of the Wheeling, WV, Marine Corps League.

Chris ''was a Marine's Marine,'' John says. ''He was always gung-ho and fired up about what he did.''

In June 2004, Chris was deployed to Iraq in support of Operation Iraqi Freedom. His mother Meleasa remembers the day Chris gave her the news, in April 2004.

Meleasa says Chris ''told me he was leaving for Iraq. I could do nothing but weep,'' Meleasa says. ''He told me, remember the reason I joined the Marines? I have to go and fight for our country. He fought till the last day, November 16, 2004.''

Our thoughts and prayers are with the Heflin family after the tragic loss of this brave Marine. We are thinking of Chris's mother Meleasa Ellis; his brothers, Cory Heflin, Josh Hicks, and Derek Ellis; his grandparents, Marvin and Marie Salsbury; his aunts and uncles, Lisa and Pete Witenberger and Tim and Diane Salsbury; and many other beloved family members and friends.

More than 200 people turned out for Chris's funeral at the Mount Zion Baptist Church, officiated by Chris's friend, the Reverend Davidson. Later, at the Woodlawn Memorial Gardens cemetery, Chris was laid to rest with a 21-gun salute.

Two marines folded the flag that had draped over his casket and presented it to his brother Derek, who is also serving in the Marine Corps as a lance corporal.

When Chris was a small child, his grandfather, Marvin, would take him fishing. Chris had so much fun that when the visits were over, he would tell his mother to go get his clothes and bring them back to his grandparents' house so he could stay with them.

Marvin still remembers the last time he spoke to his grandson, just before Chris deployed to Iraq. ''Son, I want to ask you something,'' Marvin said. ''Are you right with the Lord?''

''Yes, Pa, I am,'' Chris replied, using the nickname for his grandfather he had used since childhood.

The loss that the Heflin family has suffered can never be fully healed. But it is my hope that every person who hears Chris's story is inspired by and draws strength from it.

The little boy Marvin once took fishing grew up to become a man, a patriot and a marine who stepped forward to serve his country. This Senate salutes SGT Christopher T. Heflin's service,

and we will forever honor his sacrifice. Our Nation is richer today for what he did on behalf of freedom's cause.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I ask unanimous consent to use leader time for our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

FAA AND GAS PRICES

Mrs. MURRAY. Mr. President, I want to respond to some of the opening remarks of the Republican leader.

The Senate is going to vote this afternoon on cloture on the FAA modernization bill. This is an extremely important piece of legislation. It is bipartisan. We agreed unanimously last week to go to this bill. It has been stalled on procedural motions ever since. This is a critical piece of legislation that all of us know we need to get to. I will be speaking later this morning on that bill. But I wanted to address the remarks of the Republican leader in particular, who said the Republicans were going to block the motion to invoke cloture this afternoon because of ''extraneous measures'' in the bill.

I remind my colleagues, the majority leader was on the floor of the Senate last week offering numerous alternatives to the Republican side to allow them to offer amendments, to allow them to move forward on this bill, to come to some agreement to move forward.

It is disappointing to hear they still object. Of the extraneous amendments, one has to do with the highway trust fund and the fact that we are out of money and need to address that issue. It is addressed in a bipartisan way in this bill. It is badly needed for roads, bridges, and highway construction, and it is a responsibility with which we should proceed. The other one has to do with reimbursing New York for money from 9/11. This is not controversial. It was agreed upon after 9/11.

The budget the President sent to us says it is necessary, and it is in this bill because it is important that we get that done and move it forward. This legislation allows us the opportunity to do so.

These are not controversial issues. It is important that we move forward on this legislation. I hope our colleagues will agree to do that this afternoon.

Finally, I heard this morning that our Republican colleagues say that Democrats aren't going to deal with the gas tax issue. I assure everyone, we understand this issue. When we go home and see gas prices nearing $4 a gallon, when we hear from truck drivers and people who are trying to get to work or to grocery stores, the price is really hurting them. We are doing everything we can on this side—and have been—to try to move us forward in a way that addresses this crisis, but we recognize there are no short-term, easy, quick fixes. We know the same-old, same-old of promising drilling that would not produce anything for 10 years or giving away more money to the oil companies as an incentive is not the right way to get constituents to a place where they believe gas prices are again affordable. We are in the process of putting together a comprehensive piece of legislation that the Democratic leader will announce this week. I look forward to having our colleagues on the other side move forward with us on that comprehensive package to address the gas price issue facing our constituents.

With that, we will be now moving to a period of morning business. I look forward to addressing the Senate later on the FAA authorization bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Pennsylvania.

NOMINATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the nomination process, to be followed by Senators CORNYN and KYL.

The situation is desperate at the present time, as the Senate has reverted to a longstanding policy in the last 2 years where the White House is controlled by one party and the Senate by another. The nominees of President Bush are being inappropriately blocked. During the course of the last 2 years of the Clinton administration, there were 15 circuit judges confirmed, 57 district judges, contrasted with only 7 circuit judges confirmed during the last 2 years of the Bush administration, and 38 district judges. For the entire 8 years, President Clinton has 65 circuit confirmations contrasted with only 58 for President Bush. President Clinton had 305 district confirmations contrasted with only 241.

Regrettably, this has been the pattern for the past 20 years—in the last 2 years of President Reagan's administration, when the Senate was controlled by Democrats; in the last 2 years of President Bush the first; and in the 6 years Republicans controlled the Senate during President Clinton's administration.

The issue has been raised by Democrats about the inappropriate blocking by Republicans of the Clinton administration. I have agreed with them. I voted to confirm the Clinton judges who were qualified. The action taken was not appropriate, and I disagreed with my caucus. But now my caucus is right.

An agreement had been reached—a good-faith agreement, so to speak—by leadership to confirm three circuit judges between now and Memorial Day. The Democrats had chosen three nominees: Judge Helene White, Mr. Kethledge, and Justice Agee, who are really out of turn. It would be much more appropriate to take up Judge Conrad who has been waiting 290 days for a hearing; Mr. Matthews, who has been waiting 240 days for a hearing; or Mr. Keisler, who has been waiting 675 days for a committee vote.

The chairman obviously has the right to make the selection on the calendar, but it is important to note that this selection was made without any consultation with the Republicans, which is a sharp shift in practice from what happened during the last Congress when I chaired the committee and Senator LEAHY was ranking. The White House wanted the confirmation hearings of Chief Justice Roberts to start on August 29. I had serious questions about the wisdom of doing that and consulted with Senator LEAHY extensively. Senator LEAHY was totally opposed. I made the decision to start the hearings after Labor Day, after due and appropriate consultation with the Democrats.

Similarly, on the nomination of Justice Alito, the White House wanted the confirmation completed by Christmas. Again, I had severe concerns about hurrying the process. I consulted extensively with Senator LEAHY, and then I made the decision to start the hearings in January. Let the record show after the confirmations were completed successfully, President Bush agreed with the judgment to hold the hearings when they were scheduled. That is the sort of comity which is indispensable if this body is to function.

There are grave concerns raised about the scheduling of the confirmation of Judge Helene White because, simply stated, there is not enough time to do it and do it right. Judge White was nominated on April 15, less than a month ago. Her questionnaire was not received until April 25. The FBI investigation was not begun until April 25. The ABA report cannot be completed until May 19 at the earliest. After Judge White's hearing, which is scheduled hastily for May 7, the committee typically leaves the record open for 1 week, which would close the record on May 14. If there are questions for the record, Judge White would have 1 week to answer those questions, which would bring us to May 21. If the nomination is held over for a week, that would put us

into June. Assuming the nomination is not held over for a week, that leaves only 2 days before May 23 for the committee to review her answers, schedule and hold a committee vote, and for the full Senate to vote on her nomination. No circuit court nominee has had hearings prior to their ABA report being received. The ABA report is not expected until at least May 19.

In the past, the Democrats have been very vocal in opposing this kind of a schedule. When the schedule was set for Peter Keisler 33 days after his nomination, the Democrats cited the concern that the Keisler hearing should not be held so quickly in advance of the ABA recommendations: ''We should not be scheduling hearings for nominees before the Committee has received their ABA ratings,'' all of which is violated here.

Senator SCHUMER said:

So let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we have barely had time to consider the nominee's record. Mr. Keisler was named to this seat 33 days ago. So, we are having this hearing with astonishing and inexplicable speed.

Well, this hearing is even more astonishing and even more inexplicable. When we do not follow regular order, we tend to get into trouble. The appropriate course would be to move to the nominations of Judge Conrad and Mr. Matthews in the Fourth Circuit where there is a judicial emergency.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 20 seconds.

FILIBUSTERING

Mr. SPECTER. I want to comment briefly about what I consider the disintegration of the standing of the Senate as the world's greatest deliberative body. There was a time, when someone wanted to filibuster, that they had to stand up and speak. The Democrats brought to the floor legislation to alter the Supreme Court decision which cut short the statute of limitations on women's pay. I voted for cloture to take up that issue. The issue came and went in the course of a few hours one day. Under the traditional rules of the Senate, when a matter is raised, it is presented. It is argued. If someone opposes and wants to object and filibuster, they have to speak.

The cost of a filibuster today is very cheap. All you have to do is say: I am going to filibuster. Then there is a cloture vote, and 60 votes are not obtained, and the issue goes away.

That is not the way the Senate has traditionally functioned. If the Democrats had been serious about trying to change the rule that the Supreme Court handed down, which I thought was a bad decision—bad on the law, and it certainly can be changed by legislation—they would have argued the matter. They would have compelled opponents to come to the Senate floor and oppose the matter. There would have been a public debate. Had there been an extended debate, the American people would have understood the wrong Supreme Court decision and insisted the Congress take corrective action.

Similarly, we have found the Senate has now been overwhelmed by procedural motions on filling the tree which preclude any meaningful, traditional Senate approach to our function where Senators should be able to offer amendments at any time on any issue. Senator REID, who now has the distinction of having the record on filling the tree the most times, has it in heavy competition. Senator Mitchell established a new record in the 103rd Congress with nine. Senator Lott tied him in the 106th Congress with nine. Senator Frist tied him in the 109th Congress with nine. But Senator REID is now the champion.

The problem with filling the tree is that Senators are precluded from coming to the floor and offering amendments. The American people do not understand what is happening in the Senate because nothing is happening in the Senate. Last week we had one cloture vote at 5:30 on Monday. We didn't vote on Tuesday, Wednesday, Thursday, or Friday—one vote, and not a peep in the news media about the inactive Senate. So what we are seeing—and I intend to speak at length on this at a later date—is the disintegration of what the Senate is supposed to be.

If legislation is needed to change the statute of limitations on enforcing women's employment rights for equal pay, let the Senate take it up and debate. If we are on the FAA Act, let's have Senators come forward and consider it.

It is time we declared a truce on the judge issue. It has been exacerbated continuously over the last 20 years. It is time for a truce because the American people are caught in the crossfire.

Mr. President, I ask unanimous consent that a survey of the filling of the tree, compiled by CRS, be printed in the RECORD. I urge my colleagues to study it to see how the business of the Senate has been thwarted, stymied, and eliminated by this procedural, inappropriate activity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
100th (1987–1988)	Robert C. Byrd (D–WV)	S. 1420, Omnibus Trade and Competitiveness Act of 1987.	Sen. Byrd, working in concert with Sen. Howard M. Metzenbaum, filled the ''strike and insert'' tree with a series of amendments, SA435–439. (Congressional Record, vol. 133, July 8, 1987, pp. 18871–18876.) Media reports indicate the goal was to obtain a straight vote on a compromise proposal requiring advance notice of certain plant closings. (''Senate Passes Measure on Plant-Closing Notice,'' The Washington Post, July 9, 1987, p. E1.)
		S. 2, Senatorial Election Campaign Act of 1987.	Sen. Byrd, working in concert with Sen. David L. Boren, filled the ''motion to recommit'' tree with amendments, SA1403–1405. In debate, Sen. Byrd indicated his goal was to displace several non-germane amendments to S. 1 relating to funding for the Nicaraguan contras, thus returning the Senate to consideration of the subject of the underlying bill. (Congressional Record, vol. 134, Feb. 17, 1988, p. 1481.)
		S. 2488, Parental and Medical Leave Act of 1988.	Sen. Byrd filled the ''motion to recommit'' tree with amendments, SA3308–3310. In floor debate, Sen. Byrd indicated that he had done so in response to a continued inability to secure a time agreement on amendments, including a requirement for germaneness or relevancy. He characterized the motion and the amendments to it as an attempt to place S. 2488 back before the Senate in a form containing several specific policy provisions. (Congressional Record, vol. 134, Sep. 29, 1988, pp. 26523–26588.)
101st (1989–1990)	George J. Mitchell (D–ME)	None identified	None identified
102nd (1991–1992)	George J. Mitchell (D–ME)	S. Con. Res. 106, Concurrent resolution setting forth the congressional budget for FY 1993, 1994, 1995, 1996, & 1997.	Sen. Mitchell filled the ''insert'' tree with two amendments, SA1778–1779 offered to a substitute amendment for S. Con. Res. 106, SA1777, which appears to have been treated as an original text for the purposes of amendment. Floor debate suggests a unanimous consent agreement was entered into laying out this approach with the goal of controlling and structuring the consideration of policy alternatives relating to entitlement reform. (Congressional Record, vol. 134, Apr. 10, 1992, pp. 9283–9284.)
103rd (1993–1994)	George J. Mitchell (D–ME)	H.R. 1335, Emergency Supplemental Appropriations for FY 1993.	Sen. Robert C. Byrd, acting on behalf of the majority leader, filled the tree on the substitute to the measure, offering SA271–272. (Congressional Record, daily edition, vol. 139, Mar. 25, 1993, p. S3715.)
		S. 1491, FAA Authorization Act of 1994.	On multiple occasions during consideration of this measure, Sen. Mitchell or his designee offered second-degree amendments, for example, SA1776, 1779, and 1781, to non-germane first-degree amendments dealing with the subject of President William J. Clinton and the Whitewater Development Corporation. On each occasion, this action filled the ''insert'' tree and prevented a vote on the first-degree amendment. (Congressional Record, daily edition, vol. 140, June 15, 1994, pp. S6890–6894.)
104th (1995–1996)	Robert Dole (R–KS)	S.J. Res. 21, Constitutional Amendment to Limit Congressional Terms.	Acting as the designee of the majority leader, Sen. Fred Thompson offered a series of amendments, SA3692–3397, to the committee substitute for S.J. Res 21, filling the amendment tree. He then offered a motion to recommit the joint resolution and proceeded to offer amendments SA3698–3699 to the motion, filling the tree on the motion. In debate, Sen. Thompson indicated that he did so to prevent non-germane amendments from being offered to the measure and to ensure the Senate would debate only the subject of congressional term limits. (Congressional Record, daily edition, vol. 142, Apr. 19, 1996, pp. S3715–3717.)
		S. 1664, Immigration Control and Financial Responsibility Act of 1996.	Acting as the designee of the majority leader, Sen. Alan K. Simpson offered a series of second-degree amendments to a number of ''stacked'' first degree amendments, filling the amendment tree on them. He also filled the recommit tree on the underlying bill, offering SA3725–3726. In debate, Sen. Simpson indicated that he did so to prevent the offering of non-germane second-degree amendments on subjects such as the minimum wage and Social Security. (Congressional Record, daily edition, vol. 142, Apr. 24, 1996, pp. S4012–4016.)
		H.R. 2937, White House Travel Office Reimbursement.	Sen. Dole offered a series of amendments, SA3952–3956, first to the bill and then to a motion to refer the bill, filling the tree on both. Sen. Dole indicated that he took this action to prevent non-germane amendments to the measure. Sen. Dole filed for cloture on the measure and indicated his willingness to enter into negotiations on possibly permitting a non-germane amendment relating to the minimum wage to be offered. (Congressional Record, daily edition, vol. 142, May 3, 1996, pp. S4670–4672.)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 1296, To provide for the administration of certain Presidio properties at minimal cost to the federal taxpayer.	On Mar. 26, 1996, Sen. Dole filled the tree on the motion to commit the bill SA3653–3654 and immediately filed cloture on the motion. The floor debate suggests that this action was taken in an attempt to block amendments to the measure on the subject of the minimum wage. (Congressional Record, daily edition, vol. 142, Mar. 26, 1996, pp. S2898–2899.)
105th (1997–1998)	Trent Lott (R–MS)	S. 25, Bipartisan Campaign Reform Act of 1997.	Sen. Lott offered a series of amendments, SA1258–1265, to the bill and to a motion to recommit the bill, filling both the ''strike and insert'' tree and the recommit tree. In debate, Sen. Lott indicated he did so to bar all amendments to the measure except those negotiated between himself and supporters of S. 25. The agreement provided for a modified form of the bill and one Lott amendment to it containing provisions of the ''Paycheck Protection Act,'' (Congressional Record, daily edition, vol. 143, Sept. 29, 1997, pp. S10106–10114.)
		S. 1663, Paycheck Protection Act	On Feb. 24, 1998, Sen. Lott offered a series of amendments SA1648–1650 along with a motion to commit, which he then filled with amendments SA1651–1653. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 143, Feb. 24, 1997, pp. S939–940.)
106th (1999–2000)	Trent Lott (R–MS)	S. 280, Education Flexibility Partnership Act of 1999.	Sen. James Jeffords, as the designee of Sen. Lott filled the tree on the measure on Mar. 10, 1999 with SA66–68. (Congressional Record, daily edition, vol. 145, Mar. 10, 1999, p. S2489–2490.) Media reports claimed he did so to prevent certain minority party Senators, ''from offering amendments reflecting their education goals including the hiring of 100,000 additional teachers.'' (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		S. 557, An original bill to provide guidance for the designation of emergencies as a part of the budget process.	On Apr. 20, 1999, Sen. Lott filled this tree by offering two amendments on behalf of another Senator SA254–255 and then immediately filing for cloture. Floor debate suggests he did this to block the offering of amendments relating to a Social Security and Medicare ''lockbox.'' (Congressional Record, daily edition, vol. 145, Apr. 20, 1999, p. S3896.)
		S. 544, Emergency Supplemental Appropriations Act for Fiscal Year 1999.	On Mar. 19, 1999, Sen. Lott proposed a second-degree amendment (SA124) ''prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.'' This amendment filled the insert tree and he then filed cloture on the amendment. In floor debate. Sen. Lott indicated he took this action to ensure that there would be a debate on the subject of Yugoslavia, but added that he wanted to continue to negotiate a time agreement for Senate consideration of the subject. (Congressional Record, daily edition, vol. 145, Mar. 19, 1999, pp. S2995–2996.)
		S. 96, The Y2K Act	Sen. Lott filled the tree on the measure, offering SA268–271. In debate, he indicated his willingness to have a pending amendment on the filled tree laid aside so that germane amendments could be offered. (Congressional Record, daily edition, vol. 145, Apr. 27, 1999, pp. S4232–4234.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering non-germane amendments relating to gun control. (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 1501, Juvenile Justice Reform Act of 1999.	On July 26, 1999, Sen. Lott filled the tree on the measure, offering amendments SA1344–1348. In debate, Sen. Lott indicated he filled the tree with amendments consisting of the Senate version of the bill with the intention of going to conference with the House. (Congressional Record, daily edition, vol. 146, July 26, 1999, pp. S9209–9210.)
		H.R. 434, African Growth and Opportunity Act.	Sen. Lott filled the tree on the measure on Oct. 27, 1999, offering SA2332–2335. In debate, he expressed regret at ''having to'' do so, and indicated he would agree to lay aside a pending amendment if a Senator wished to offer relevant amendments. (Congressional Record, daily edition, vol. 146, Oct. 27, 1999, pp. S13202–13203.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering nongermane amendments on the subjects of minimum wage and campaign finance reform. (Matthew Tully, ''Both Sides Used Senate Rules Effectively to Tie Things Up,'' CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 4577, Labor-HHS-Education Appropriations.	Sen. Lott filled the tree on the motion to commit the bill, offering amendments SA3598–3600. During debate, he indicated his desire to negotiate a time agreement for the consideration of amendments dealing with the ergonomic standard issued by the Occupational Safety and Health Administration (OSHA). The motion to commit was later withdrawn when a time agreement was accepted. (Congressional Record, daily edition, vol. 146, June 22, 2000, pp. S5628–5629.)
		S. 2045, American Competitiveness in the Twenty-First Century Act.	Sen. Lott filled the ''strike and insert'' tree twice on this bill as well as a tree on a motion to recommit the measure. In doing so, Sen. Lott called up an amendment filed by a minority party Senator, SA 4183. In debate, Sen. Lott indicated followed this course because of an inability to reach a time agreement governing consideration of the measure. (Congressional Record, daily edition, vol. 146, Sept. 15, 2000, pp. S9026–9029.)
107th (2001–2002)	Thomas A. Daschle (D–SD)	H.R. 5005, Homeland Security Act of 2002.	Sen. Daschle filled the tree on the motion to commit with instructions by offering amendments SA4742–4743. In debate, he indicated he did so to ''keep in place the current parliamentary circumstances'' while Senators tried to negotiate a time agreement for the further consideration of amendments. (Congressional Record, daily edition, vol. 148, Sept. 25, 2002, pp. S9205.)
108th (2003–2004)	William H. Frist (R–TN)	S. 14, Energy Policy Act of 2003	On July 30, 2003, the majority leader offered a motion to commit the bill to the Energy and Natural Resources Committee with instructions. He filled the tree on the motion to commit with instructions with amendments SA1433–1434 and filed cloture on the motion. In debate, the leader indicated he did so to try to bring the underlying bill to a final vote prior to the August recess period. (Congressional Record, daily edition, vol. 149, July 30, 2003, p. S10251.)
		S. 2062, Class Action Fairness Act.	On July 7, the majority leader offered two amendments to the bill (SA3548–3549) filling the insert tree. He then offered a motion to commit the bill with instructions and filled the tree on the motion with amendments SA3551–3551. The majority leader filed cloture on the bill. Floor debate suggests that Sen. Frist pursued this course in response to an inability to secure a time agreement structuring the offering of amendments to the bill, including a relevancy requirement. (Congressional Record, daily edition, vol. 150, July 7, 2004, pp. S7698–7699.)
		S. 1637, Jumpstart our Business Strength Act.	On Mar. 22, 2004, the majority leader offered a motion to commit the bill with instructions that the committee report back the measure with an amendment specified in the motion. Senators filed amendments SA2898–2899 to those instructions, filling the tree. After cloture on the motion subsequently failed, the majority leader offered another motion to commit, and offered amendments SA3011–3013 to it, filling the tree on the motion. Floor debate suggests these efforts were attempts to expedite consideration of the bill. (Congressional Record, daily edition, vol. 150, Mar. 22, 2004, pp. S2852–2853.)
109th (2005–2006)	William H. Frist (R–TN)	S. 397, Protection of Lawful Commerce in Arms Act.	On July 27, 2005, the majority leader offered amendments to the bill SA1605–1606 filling the tree. Senators came to the floor to ask unanimous consent to set aside the pending amendments to be able to consider their amendment. This request was objected to each time. Floor debate suggests that this action was undertaken pending the negotiation of a time agreement relating to the consideration of amendments, including a germaneness requirement. (Congressional Record, daily edition, vol. 151, July 27, 2005, p. 9087.)
		H.R. 4297, Tax Relief Extension Reconciliation.	On Feb. 2, 2006, the majority leader offered amendments SA2707–2709, filling the tree on the bill. He then offered a motion to commit the bill with instructions, and proceeded to fill the tree on the motion with amendments SA2710–2711. In floor debate, Sen. Frist indicated he did this in order to structure floor consideration and potentially reach a final vote on the measure. (Congressional Record, daily edition, vol. 152, Feb. 2, 2006, pp. 472–473.)
		S. 2271, USA PATRIOT Act Amendments.	On Feb. 16, 2006, the majority leader filled the insert tree on the measure with amendments SA2895–2896. The majority leader then filed a cloture petition on the bill and objected to unanimous consent requests to lay aside any of the pending amendments. In debate, one Senator charged that the leader undertook this action to block amendments to the bill. (Congressional Record, daily edition, vol. 152, Feb. 16, 2006, pp. 1379–1380.)
		S. 1955, Health Insurance Marketplace Modernization Act.	On May 10, 2006, the majority leader filled the insert tree with amendments SA3886–3887. He then offered a motion to recommit the bill with instructions and immediately offered amendments SA3888–3890 to fill the tree on the motion. In debate, Sen. Frist explained that he did this because there had, ''. . . been attempts or suggestions that we use this bill as a Christmas tree for all sorts of amendments . . . amendments that don't relate to the underlying bill.'' (Congressional Record, daily edition, vol. 152, May 10, 2006, pp. S4285–4295.)
		S. 3711, Gulf of Mexico Energy Security Act of 2006.	On July 27, 2006, the majority leader filled the insert tree with amendments SA4713–4714. The majority leader then filed cloture on the bill. Remarks made in floor debate suggests he did so to exert some control over the subject of energy amendments offered to the bill. (Congressional Record, daily edition, vol. 152, July 27, 2006, p. S8334.)
		S. 2454, Securing America's Borders Act.	On Mar. 29, 2006, SA3192 was offered as a substitute to the measure. Senators then offered amendments to SA3192, filling the tree. Senators attempted to offer additional amendments by asking unanimous consent to set aside the pending amendments, but objection was heard in each instance. On Apr. 5, 2006 the majority leader moved to commit the bill to the Judiciary Committee with instructions that the committee report forthwith with an amendment. He then offered amendments to the motion SA3424–3426 filling the tree on it. (Congressional Record, daily edition, vol. 152, Apr. 5, 2006, p. S2895–2896.)
		H.R. 6061, Secure Fence Act of 2006.	On Sep. 21, 2006, the majority leader filled the insert tree on the bill with amendments SA5031–5032. On Sep. 25, 2006, the majority leader withdrew his first degree amendment (rendering the second degree amendment moot), and then filled the tree again with amendments SA5036–5037. He then filed cloture on the first degree amendment and offered a motion to commit the bill with instructions, and filled the tree on that motion, offering amendments, SA5038–5040. Floor debate suggests this action was taken while the leaders attempted to negotiate an agreement for the consideration of amendments relating to terrorist detainees. (Congressional Record, daily edition, vol. 152, Sept. 21, 2006, pp. 10097–10098)
		S. 403, Child Interstate Abortion Notification Act.	On Sep. 27, 2006, Sen. Bennett, acting on behalf of the majority leader, filled the tree on the House amendment to the measure with amendments SA5090–5091. He also filed for cloture on the House amendment. (Congressional Record, daily edition, vol. 152, Sept. 27, 2006, pp. S10616–10618.)
		H.R. 6111, Tax Relief and Health Care Act of 2006.	On Dec. 8, 2006, Sen. Frist filled the tree on the motion to concur in the House amendment to the Senate amendment to the measure, with SA5236–5237. He also filed for cloture on the motion. (Congressional Record, daily edition, vol. 152, Dec. 8, 2006, pp. S11658–11659.)
110th (2007–2008)	Harry M. Reid (D–NV)	H.J.Res. 20, Revised Continuing Appropriations Resolution 2007.	On Feb. 8, 2007, Sen. Reid filled the tree on the measure with the offering of SA237–241. Debate suggests the strategy was pursued in order to speed consideration of the measure. (Congressional Record, daily edition, vol. 153, Feb. 8, 2007, p. S1746.)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE ''AMENDMENT TREE'': 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 2206, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.	On May 15, 2007, Sen. Reid filled the tree on the measure and the motion to commit, offering SA1123–1128. Floor debate indicates this was an action taken with the knowledge and cooperation of the minority leader, in an attempt to structure floor consideration and move the measure to conference. (Congressional Record, daily edition, vol. 153, May 15, 2007, p. S6116–S6117.)
		S. 1348, Comprehensive Immigration Reform Act of 2007.	On June 7, 2007, Sen. Reid used his right of first recognition to offer two amendments to the measure, SA1492–1493. While this action does not appear to have completely filled the amendment tree, remarks made by the Senator in debate (''What I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered'') suggest it was done to limit or obtain a measure of control over the next amendment offered by filling some available limbs and refusing consent to lay aside amendments. (Congressional Record, daily edition, vol. 153, June 7, 2007, p. S7303–7304)
		PARTIAL TREE	
		S. 1639, A bill to provide comprehensive immigration reform, and for other purposes..	On June 26, 2007, Sen. Reid proposed SA1934, and filled the ''insert'' tree multiple times when the amendment was subsequently divided into several components, an action which some colloquially referred to as the ''clay pigeon.''
		S.1, Honest Leadership and Open Government Act of 2007.	On July 31, 2007, Sen. Reid filled the tree on the motion to concur in the House amendment to the measure, offering amendments SA2589–2590. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 153, July 31, 2007, pp. S10400–10401.)
		H.R. 1585, FY 2008 National Defense Authorization Act.	On Sept. 25, 2007, Sen. Reid offered SA3038–3040 to the motion to commit the bill, filling the recommit tree. (Congressional Record, daily edition, vol. 153, Sept. 25, 2007, p. S12024.)
		H.R. 976, Children's Health Insurance Program Reauthorization Act of 2007.	On Sept. 26, 2007, Sen. Reid moved to concur in the House amendments to the Senate amendments to H.R. 976. He then filed cloture on the motion and filled that tree, offering SA3071–3072. (Congressional Record, daily edition, vol. 153, Sept. 26, 2007, pp. S12122–12123.)
		H.R. 2419 Farm, Nutrition, and Bioenergy Act of 2007.	On Nov. 6, 2007, Sen. Reid filled the ''strike and insert'' tree as well as the motion to commit tree, offering SA3509–3514. In debate, the Senator indicated he would be willing to lay aside pending amendments in order for Senators to offer germane or relevant amendments. (Congressional Record, daily edition, vol. 153, Nov. 6, 2007, pp. S13946–13949.)
		H.R. 6, Energy Independence and Security Act of 2007.	On Dec. 12, 2007, Sen. Reid filled the tree on the motion to concur with two amendments SA3841–3842 and immediately filed cloture on the motion. (Congressional Record, daily edition, vol. 153, Dec. 12, 2007, p. S15218.)
		H.R. 5140, Economic Stimulus Act of 2008.	On Feb. 5, 2008, Sen. Reid filled the insert tree as well as on the motion to commit tree with amendments SA3983–3987. (Congressional Record, daily edition, vol. 154, Feb. 5, 2008, p. S656.)
		H.R. 2881, FAA Reauthorization Act of 2007.	On May 1, 2008, Sen. Reid filled the tree on the measure with amendments SA4628–4631 and on the motion to commit with instructions with SA4636–4637. (Congressional Record, daily edition, vol. 154, May 1, 2008, p. S3581–3582.)

[1] As of May 2, 2008. Information from the Legislative information System of the U.S. Congress (LIS) and cited issues of the Congressional Record.

Mr. SPECTER. I again call on the Rules Committee to take up my pending rule change which would stop this abhorrent practice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

GASOLINE PRICES

Mr. CORNYN. Mr. President, I wish to join my distinguished colleague, the ranking member of the Judiciary Committee, in talking about the importance of moving judicial nominations through the Senate.

I also, though, wish to start by briefly mentioning a couple numbers. The first is $3.61. This is the average price of a gallon of gasoline in America today. The next number I would like to show my colleagues is 743. That is how many days it has been since Speaker PELOSI said she would—if elected Speaker—how long ago she said the Democrats would offer their commonsense plan for bringing down prices of gasoline at the pump. I would note we continue to wait for that commonsense plan, and Americans across this country are waiting for Congress to do something about it.

I would note last Friday I joined a number of my colleagues, including the Senator from New Mexico, Mr. DOMENICI, and others in introducing a plan we think will help bring down the price of gasoline at the pump. Our colleagues, not surprisingly, may disagree. But we are waiting for their plan, all these 743 days. I think the American people are wondering and watching and wondering why we have not acted and why Speaker PELOSI, in particular, has not followed through on her commitment made more than 2 years ago.

JUDICIAL NOMINATIONS

Mr. CORNYN. Mr. President, this morning, in North Carolina, Senator JOHN MCCAIN, the presumptive Republican nominee for President of the United States, is giving a very important speech. He may be speaking even as I am speaking. But he is talking about the role of judges in our Government. I think it is a very important speech. I hope our colleagues and the American people will pay close attention to what Senator MCCAIN is saying when he talks about the important role Federal judges play in our American Government.

I hope Senator OBAMA and Senator CLINTON will likewise take the opportunity, at the first chance they have, to talk about their philosophy, about the types of judges they believe should be nominated by the next President of the United States, were they to have that privilege and that opportunity.

Five years ago, on April 30, 2003, I, along with nine other of the newest Members of the Senate, wrote a letter on this issue to Senator Frist and Senator Daschle, the respective leaders of our parties. That letter was important not only because it was a bipartisan statement acknowledging the judicial confirmation process was broken and needed fixing but also important because it called, on a bipartisan basis, by the newest Members of the Senate, for a clean break or as we called it, a fresh start when it came to the issue of judicial confirmations and, notably, we said to ''leave the bitterness of the past behind us.''

Mr. President, I ask unanimous consent that letter be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I would like to read from a passage in that letter, signed by we 10 freshmen at the time. In 2003, we wrote to our leaders:

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us [actually] arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Unfortunately, 5 years later, when it comes to judicial nominations, the grievances of the past are still dictating the terms and direction of the future when it comes to judicial nominees. There is still time for that fresh start we called for, still time for a clean slate but, unfortunately, no signs that is likely to occur in the current environment.

So it will likely come to pass once again that last year's and the previous year's grievances will be used again, not without some justification, by Senate Republicans to justify the obstruction of a future Democratic President's judicial nominees, which shows the death spiral we are involved in when it comes to not taking care of the Nation's work, not allowing an up-or-down vote of judicial nominees on the floor of the Senate.

When it comes to judicial nominations, the Senate is supposed to be, as Senator SPECTER said, the world's greatest deliberative body. But it often acts more like the Hatfields and the McCoys, or perhaps, for those who remember Huck Finn, the Grangerfords and the Shepherdsons, who do not know how the feud began but, nonetheless, continue to escalate the violence.

Let's step back and consider the basic facts. Right now across America there are 46 Federal judicial vacancies—12 on the circuit court of appeals, 34 on the district courts. Of these 46 vacancies, 13 are considered ''judicial emergencies,'' including a handful on the Fourth Circuit Court of Appeals,

where a full 33 percent of the bench is vacant because we in the Senate have not done our job.

The simple fact of the matter is, thus far, during President Bush's final 2 years in office, we have seen a record-low number of Federal judges approved by the Senate.

Since our friends on the other side of the aisle took over the Senate in 2007, a total of only 7 circuit court nominees have been approved—and only one this year. It would be most unfortunate and indeed, I daresay, precedent setting if this Senate set this new low-water mark.

For my part, I have been pleased to work with the chairman of the Judiciary Committee, Senator LEAHY, to gain confirmation of the last two Texans to be nominated and confirmed to the Fifth Circuit Court of Appeals. Most recently, I appreciated the chairman's cooperation and assistance in confirming Catharina Haynes to the Fifth Circuit.

But despite my appreciation, I must also express my regret that Ms. Haynes is the only circuit nominee confirmed this year. I would not be fulfilling my oath of office if I did not press for fair treatment not only for judicial nominees who come from my State, Texas, but for my colleagues' home State nominees as well.

There are many other critical judicial positions that demand our immediate action. I mentioned the Fourth Circuit, which serves the States of Virginia, Maryland, North Carolina, South Carolina, and West Virginia.

The Fourth Circuit is currently operating, as I indicated, with one-third less than a full complement of judges on the bench. That is why the Judicial Conference has called this a judicial emergency. The Senate can and must act to alleviate this strain and this denial of access to justice on behalf of the people of those States, who are denied access to justice because there are simply not enough judges who have been confirmed to sit and hear their cases.

The Judiciary Committee is poised to act this Thursday on Justice Stephen Agee of Virginia, a Fourth Circuit nominee, and it should at the very least move forward with the nominations of other Fourth Circuit nominees who have the support of both home State Senators.

Even the Washington Post, in December 2007, decried the situation on the Fourth Circuit saying:

[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers.

I am greatly disappointed the Judiciary Committee has been so slow to act on these important nominations. I would ask the chairman again to push forward with hearings and give the nominees an opportunity for an up-or-down vote on the Senate floor.

There is no doubt the American people deserve, and our very concept of American Government requires, qualified judges who understand the proper role of a judge, which is not to be another branch of the legislature dispensing their view of justice, sort of on an ad hoc basis, but, rather, judges who believe their job is to interpret and enforce the Constitution, not to make up the law as they go along.

As such, we should exercise due diligence to properly review nominees. But the constitutionally mandated process of advice and consent should be done expeditiously, and debates on these nominees should be done openly, as the Senator from Pennsylvania suggested.

We have before us numerous well-qualified nominees who have offered themselves to serve our citizens. We must endeavor to minimize the role of partisan politics in judicial nominations, and we should work harder to ensure the judicial vacancies are filled in a more timely manner.

I know my time is up, and I know the distinguished Senator from Arizona is here to speak, perhaps on the same subject. But I am glad Senator MCCAIN, the presumptive Republican nominee, is speaking on this important issue today. I repeat my hope that Senator OBAMA and Senator CLINTON would address this very important responsibility of the next President of the United States. But I would submit, again, it is our responsibility to promptly move on these nominations and to give these nominees a fair up-or-down vote. That has not been happening.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 30, 2003.

DEAR SENATORS FRIST AND DASCHLE: As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states—to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,

John Cornyn, Lisa Murkowski, Elizabeth Dole, Norm Coleman, Lamar Alexander, Mark Pryor, Lindsey Graham, Saxby Chambliss, Jim Talent, John E. Sununu.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, might I inquire how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. Six and a half minutes.

Mr. KYL. Thank you, Mr. President.

I appreciate the comments of my colleague from Texas and would note, as he did, my colleague from Arizona, JOHN MCCAIN, is making an important statement today respecting the need to confirm good judges for our court of appeals and Federal district courts—something which he will be committed to when he is President of the United States.

Our friends around the country might be wondering: What exactly is going on around here? Why are we talking about the need to confirm judges? It is a good question. The answer is this: It is interesting that in most of the Presidencies—in fact, in the last four Presidencies—in the last 2 years of the Presidency, the other party is in charge of the Senate. You had that situation with Ronald Reagan; with George Bush, the 41st President; with Bill Clinton; and with the current President Bush. In each case, the other party was in charge of the Senate the last 2 years of their Presidency.

Now, on the average, between 15 and 17 circuit court judges have been confirmed in the last 2 years, even though it is the other party in charge of the Senate. That is because we have a responsibility under the Constitution to act on the nominees the President, regardless of party, has made.

That is his job, and this is our job. Both of us have to do our jobs. It would not be appropriate for the Senate to simply sit on our hands and not act on the nominees of the President, even though he may be of the other party.

So between 15 and 17 nominees of the President have been confirmed each of the last 2 years for these last Presidencies. But, unfortunately, that is not the case with the current President. We are not on track to get that number confirmed. In fact, we have only had six confirmed.

That is why our leader, Senator MCCONNELL, sought to have an agreement with the majority leader to try to get more circuit judges confirmed. An agreement was reached that at least three judges would be confirmed by the end of this month.

Now, what is interesting is that up to now, there has been sort of a sense that: Well, it is not possible to get very many judges confirmed. It takes a long time, and there is a lot of process involved. But what this latest agreement demonstrates, as Senator SPECTER, who spoke earlier, pointed out, is that when the majority party wants to, it can act very quickly to confirm judges. In fact, it can move very quickly.

That is what Senator LEAHY, the chairman of the Senate Judiciary Committee, is now doing because, unfortunately, he does not want to take the judges who are in the queue and get those judges considered by the committee on the floor of the Senate and voted on by the Senate. He has judges that he would rather get considered, but they were way behind in the process. So he is speeding them up, getting them through the process very quickly, in breach of what had been the policy in the past.

Nevertheless, he is moving them along very quickly with an intention, I gather, to try to comply with this agreement and get them confirmed by the end of the month. That is a good thing in the sense that we will get three more circuit court nominees.

I suspect it does illustrate that the Judiciary Committee and the Senate can act quickly when we want to get these confirmations accomplished. But that will leave us several more judges who have been pending a long time. That will leave us the months of June, July, and September, at least, when we can confirm additional nominees. The question will be, what will happen then? Will we act with similar alacrity?

We have one judge nominee, Peter Keisler, who has been pending for almost 2 years now. His hearing has been held. All he has to do is come before the committee. That will take 1 or 2 weeks at the most, and he could be on the floor of the Senate. We have other nominees from the Fourth Circuit Court of Appeals, four nominees pending in the Judiciary Committee. Judge Robert Conrad and Steve Matthews are ready for hearings. Mr. Rod Rosenstein of Maryland could be ready but is being blocked by the two Senators from his State. Judge Steven Agee had a hearing last week.

So there are judges in the queue who could be dealt with. There is no reason to hold them back except a possible desire not to get them confirmed or politics. I don't know what is behind it. There is no reason not to move forward with these nominees.

The Washington Post, no big supporter of the President, said recently, after we confirmed one court of appeals nominee:

> That should be only the beginning. . . .In the past two years, the Senate has confirmed seven nominees to the Court of Appeals; 16 such nominees were confirmed during President Bill Clinton's final two years in office.
>
> It appears unlikely that Democratic Senators will match that number, but they should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the 4th Circuit, where five of the court's 15 seats are vacant.

That was an editorial entitled, ''Judges, and Justice, Delayed: The Senate Needs To Move Faster On Court Nominations,'' of April 15, 2008. That is obviously very true. There is no reason these other judges cannot be considered as well. When we ask the question, what is really going on, it is that the chairman of the committee apparently is desirous of picking and choosing which nominees move forward. It is not a matter that the nominees cannot move forward.

In one case, or in two or three cases, they are ready to have the hearings. In one case, the hearing has already been held. So it is literally only a matter of a week or two before those nominees could be brought to the Senate floor. As illustrated by the current process, to get these other judges confirmed by Memorial Day, it is clear that when we want to we can accelerate the process and get the job done.

I will close by noting that regarding the nominee who has been pending now for almost 2 years, Peter Keisler, the Washington Post had this to say:

> Peter Keisler was nominated in 2006 to the U.S. Court of Appeals for the DC Circuit; his confirmation hearing was in August of that year. It is a travesty that he has yet to get a vote from the Senate Judiciary Committee.

Here, I will interpose, what is the holdup? Going back to the editorial:

> Mr. Keisler, who was chief of the Justice Department's Civil Division before joining a private law firm, earns plaudits from the right and left for stellar intellect and his judicial demeanor. Democrats have held up Mr. Keisler's nomination over a squabble about whether the DC Circuit needs 12 full-time judges. That dispute is over: Congress eliminated the 12th seat this year. Mr. Keisler should be confirmed forthwith.

So, clearly, we have nominees who should be confirmed. They are in the queue waiting. They could be easily taken up this week or next week. Their hearings need to be held. They need to be brought to the Senate floor and I urge my colleagues to work with us to move this process forward so these important nominees can be considered by the full Senate.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

FAA MODERNIZATION ACT

Mrs. MURRAY. Mr. President, the FAA Modernization Act, which we are debating in the Senate today, makes critical improvements that will ensure our aviation system is safe and efficient. That will put us on a path to modernizing our air traffic control system.

Now, in a short while, early this afternoon, the Senate will vote on whether we will finish this bill and send it to conference or whether Republicans are again going to refuse to work with us and force us to take this bill off the Senate floor.

I hope we are going to vote to move forward this afternoon. My colleagues on the Commerce and Finance Committees worked very hard on this important bill because it is critical to our Nation's economy that our aviation system work smoothly. We have some serious problems that we need to address.

Our air travel infrastructure is aging fast. It needs to be updated. The bill before us will help us modernize our aviation system to ensure that it continues to be the safest in the world.

We also have to take action to help carriers deal with rising fuel costs and, of course, to protect our passengers by reducing flight delays and cancellations.

Unfortunately, as we speak this morning, the Senate is essentially deadlocked. Republicans say they object to certain tax provisions, even though this bill, I remind everyone, was supported overwhelmingly when it was marked up in the Finance Committee. But our Republican colleagues insist that we strip out every provision that isn't directly linked to aviation. If that isn't done, they say they are going to filibuster this bill and keep us from ever getting to a final vote on it.

The majority leader has said time and again that he would welcome amendments to the bill, but Republicans have refused. Instead of working with us to come to an agreement on the points they oppose, they are going to block the whole bill.

What is most unfortunate about the Republican filibuster today is that this is a vitally important piece of legislation. Although my job as chairman of the Transportation Appropriations Subcommittee is to deal with appropriations, not authorizations, I can also tell you that this FAA bill is not just a bill that would be nice to have, it is a bill we must have.

Some of our most important aviation authorities expire at the end of this June. That means by the end of next month, if this bill is not enacted, the FAA will no longer have the authority to spend money out of the Airport and Airway Trust Fund.

Every penny that has been appropriated for purchasing and modernization at the FAA is paid for out of that fund. So if this bill doesn't become law at the end of next month, billions of dollars in projects at the FAA are going to grind to a halt.

If this bill doesn't become law, all of the employees who work on those projects will be told to stay home because the agency would not be able to pay them.

Mr. President, that is not all. Republican obstruction of this bill would cost billions of dollars in capital projects at our Nation's airports. The entire Airport Improvement Program, or AIP, would be shut down, and billions of dollars in critical safety improvements at airports across the country would go unspent.

Finally, our ability to collect ticket taxes from air travelers in order to fund our trust fund will run out. That would push the FAA's primary source of funding closer to bankruptcy.

Mr. President, these are not just small things. These programs ensure that airplanes and airports operate safely, and nobody can argue that safety would not be harmed if we shut down the ability of the FAA to modernize its long-outdated radar infrastructure.

I wish to talk about one of the nonaviation provisions that the Republicans say is a reason they are standing in the way of this important critical piece of legislation. I want to tell you why I believe it is critical to keep it in this legislation. The provision I am referring to addresses an urgent problem with the highway trust fund.

If we don't act now, the highway trust fund will go bankrupt sometime next year. If that happens, it will put a stop to Federal road projects across our entire country. That means bridge improvements, turn lanes, highway widenings, and countless projects would no longer get the Federal funding that has been promised. These are vital projects to all of our communities. They ensure that our highways are safe. They are essential to commerce and economic development.

It is critical to every State in our Nation and everybody who drives on our Federal highway system that we find a way to keep this trust fund solvent.

I have been sounding the alarm over this looming disaster for almost 2 years. We are at a point now where we have to find a fix to ensure that we don't have to make disastrous cuts in our highway spending next year.

Very early in this Congress, both Chairman BAUCUS and Ranking Member GRASSLEY committed in writing to myself and my ranking member, Senator BOND, that they would make this fix that is now contained in this bill.

I ask unanimous consent that the letter to Senator BOND and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 25, 2007.

Hon. PATTY MURRAY,
Chairman, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

DEAR SENATORS MURRAY AND BOND: Meeting the funding obligations laid out in SAFETEA–LU is of vital importance to our nation's transportation system. According to the recent CBO projections, the Highway Trust Fund shows a shortfall of several billion dollars in fiscal year 2009, the last year of SAFETEA–LU. The Senate Finance Committee is dedicated to finding the necessary revenues to keep the Highway Trust Fund whole for the life of the current authorization. We are actively working on several options to accomplish this task.

We appreciate this opportunity to share our commitment to meeting the nation's transportation needs.

Sincerely yours,

MAX BAUCUS,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member.

Mrs. MURRAY. Mr. President, in the tax portion of the aviation bill, Chairman BAUCUS and Senator GRASSLEY are keeping their word. This provision in this bill authorizes that there will be enough money to continue highway projects under SAFETEA–LU—the Federal transportation planning bill.

As I said, this addresses an urgent need. If the highway trust fund provision is stripped from this bill, my subcommittee could be required to cut highway spending for 2009 by $14 billion just to keep the trust fund out of bankruptcy next year. That will represent a cut of more than one-third in a single year.

I think all of our colleagues should know exactly what is being put at risk if the highway trust fund provisions were to be stripped out of this bill.

I ask unanimous consent that a table that has been prepared by the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
Alabama	652,726,547	454,824,733	(197,901,814)
Alaska	282,066,711	213,461,360	(68,605,351)
Arizona	645,075,344	423,184,887	(221,890,457)
Arkansas	408,704,023	286,719,068	(121,984,955)
California	3,027,693,941	2,162,914,748	(864,779,193)
Colorado	439,113,155	305,442,339	(133,670,816)
Connecticut	448,398,704	298,155,051	(150,243,653)
Delaware	128,377,882	89,408,810	(38,969,072)
Dist. of Col.	131,278,091	89,055,744	(42,222,347)
Florida	1,646,926,789	1,102,615,868	(544,310,921)
Georgia	1,189,444,266	808,957,462	(380,486,804)
Hawaii	138,186,609	92,455,082	(45,731,527)
Idaho	240,341,940	168,827,927	(71,514,013)
Illinois	1,116,883,893	783,330,484	(333,553,409)
Indiana	837,221,544	581,195,810	(256,025,734)
Iowa	376,023,626	242,857,239	(133,166,387)
Kansas	331,623,187	223,029,846	(108,593,341)
Kentucky	563,101,468	388,477,945	(174,623,523)
Louisiana	525,533,278	351,623,950	(173,909,328)
Maine	145,807,693	101,473,221	(44,334,472)
Maryland	526,801,824	351,819,107	(174,982,717)
Massachusetts	563,444,067	365,897,655	(197,546,412)
Michigan	949,589,055	722,171,474	(227,417,581)
Minnesota	516,029,374	391,306,319	(124,723,055)
Mississippi	386,729,693	267,581,968	(119,147,725)
Missouri	762,557,035	530,486,038	(232,070,997)
Montana	307,593,579	218,174,703	(89,418,876)
Nebraska	241,810,163	163,744,876	(78,065,287)
Nevada	235,089,219	145,744,407	(89,344,812)
New Hampshire	148,716,449	100,205,953	(48,510,496)
New Jersey	869,636,446	582,846,004	(286,790,442)
New Mexico	302,478,979	217,029,410	(85,449,569)
New York	1,520,182,342	990,367,322	(529,815,020)
North Carolina	926,525,517	651,798,430	(274,727,087)
North Dakota	202,565,774	139,213,152	(63,352,622)
Ohio	1,166,229,708	840,803,111	(325,426,597)
Oklahoma	503,342,513	342,367,319	(160,975,194)
Oregon	377,426,038	255,186,729	(122,239,309)
Pennsylvania	1,505,915,429	992,854,989	(513,060,440)
Rhode Island	169,131,952	109,296,597	(59,835,355)
South Carolina	533,174,501	362,727,197	(170,447,304)

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION—Continued

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
South Dakota	212,627,616	151,170,837	(61,456,779)
Tennessee	705,609,706	488,908,923	(216,700,783)
Texas	2,676,992,892	1,855,034,583	(821,958,309)
Utah	234,081,641	160,420,055	(73,661,586)
Vermont	136,260,491	96,554,996	(39,705,495)
Virginia	856,744,956	600,370,965	(256,373,991)
Washington	572,683,600	380,729,769	(191,953,831)
West Virginia	352,622,384	244,799,450	(107,822,934)
Wisconsin	625,583,865	444,299,449	(181,284,416)
Wyoming	210,639,995	153,148,013	(57,491,982)
Subtotal	32,573,345,494	22,485,071,374	(10,088,274,120)
Allocated Programs	4,127,089,170	1,909,255,590	(2,217,833,580)
High Priority Projects	2,740,953,600	1,922,227,200	(818,726,400)
Projects of National & Regional Significance	410,949,000	230,558,400	(180,390,600)
National Corridor Infrastructure Improvement Program	449,988,000	252,460,800	(197,527,200)
Transportation Projects	590,259,516	331,158,586	(259,100,930)
Bridge (Sec. 144(g))	92,400,000	64,800,000	(27,600,000)
Transfer to Sections 154 & 164	231,066,579	4,468,050	(226,598,529)
Total	41,216,051,359	27,200,000,000	(14,016,051,359)

Mrs. MURRAY. The agency's table shows all of us the amount of money each and every State will see cut next year if the highway trust fund were not fixed and if we are required to fix it through the appropriations process for 2009. No State will be spared. Look up your own State. Texas will lose $822 million. Kentucky will lose $175 million. Minnesota will lose $125 million. Maine would lose $44 million. The list goes on. Look up your State and learn what is at risk if we don't vote to move this bill forward and solve this problem.

I remind my colleagues that the provisions in this bill do not fix the trust fund on the long-term basis. The fix that is in this bill will only be sufficient to keep the highway trust fund in the black through 2009. But cutting this provision would not just mean States would lose the ability to make urgent road improvements, it would also mean a loss of a half million jobs across our Nation.

Many of my colleagues have talked about the terrible impact felt in the construction sector by the recent economic slowdown. Some have called for economic stimulus proposals to get the sector back on its feet.

I have to say, stripping the highway trust provision out of this bill will have the exact opposite effect. It will mean layoffs at a time when our economy badly needs help. So I hope our colleagues take that into consideration when we vote this afternoon on whether to move forward on this bill.

In addition, I hope my colleagues remember that earlier this year we learned some disturbing news about the FAA's handling of safety inspections at Southwest Airlines. We learned that the FAA had not reviewed Southwest's system for complying with certain agency safety directives since 1999. That revelation caused a great deal of concern about the FAA's safety inspections across the country, with very good reason. Those inspections are important because they help our airlines and the FAA discover potential problems and address them before there is a tragedy.

But when Congress began looking into the problem, we found it was much more extensive. Last month, at a hearing with the Acting FAA Administrator, Robert Sturgell, and the Department of Transportation inspector general, I learned for well over 5 years the FAA had not examined whether Southwest was using the right safety systems for certain maintenance requirements.

Now, you can imagine I was concerned to hear about that. So I asked him how many other airlines had missed safety inspections. Mr. Sturgell could not answer me. Well, I asked him to get it back to me. I finally received an answer. The FAA now tells us it has failed to perform dozens of mandatory inspections at seven other major air carriers.

In fact, the FAA now says it has missed more than 100 of these required safety inspections at major airlines. Mr. Sturgell said that part of the reason might be ''inadequate resources.'' Well, I am not sure how that could be. I have been working, along with my colleagues, to increase funding for FAA inspections for the last 7 years—in fact and this is true of my appropriations subcommittee, whether I have been chairman or my Republican colleagues have been chairman, for the last 4 years. We have provided more funding for more safety inspectors than the FAA has ever requested of us. So this is a funding issue? The FAA hasn't been honest about the true needs of its agency.

Now, I know Congress has been doing its part to build the inspection workforce without the benefit of a request from the FAA, and as a result, we have hundreds more inspectors across the country than the FAA has ever requested. Either way, I have serious concerns because the agency has insisted that the airlines must be the ones to guarantee the safety of their operations, and it is said that FAA inspectors are best used to ensure that the airlines have assistance to do the job. Now we are being told that the FAA is years behind in inspecting those very systems.

The lesson from the Southwest debacle is that these safety inspections matter. They are one of the best indicators of whether an airline has its act together when it comes to maintenance and safety compliance. Clearly, the FAA needs to bring more focus and leadership to meeting its own self-imposed deadlines, and we will be looking for quarterly reports and answers on this as we move forward.

So with all of these safety concerns as a backdrop, this afternoon we are now facing a filibuster from our Republican colleagues who want to bring down the FAA safety authorization bill. We have a bill before us that clearly offers us a chance to make a difference for safety, for our airlines, for our passengers, for our highways, and for our economy. We are talking about a bill that ensures the safety of our air travel. This is a critically important bill and, by the way, until recently a bipartisan one. But now we are hearing that the Republicans want to wage their 68th filibuster on a bill that is important to all of us.

We have the ability to move forward. I urge our Republican colleagues to work with us and to not obstruct this bill this afternoon because anyone who has stood in an endless line at an airport or had their flight canceled or wanted to have important highway improvements done is counting on us to do the job. So I urge my colleagues to negotiate instead of blocking progress, and I hope they will work with us to do this quickly as we move to the bill today.

Mr. President, I thank you, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first I wish to thank Senator MURRAY for her comments. I couldn't agree with her more. I know the people of Maryland are very much concerned about the FAA reauthorization bill and getting it done. Passenger safety is critically important to the people of Maryland and this Nation. Modernizing our air system is very important. I thank Senator MURRAY for the comments she made.

JUDICIAL APPOINTMENTS

Mr. CARDIN. Mr. Presidentt, I wish to first respond, if I might, to the comments Senator KYL made in regard to consideration of judicial appointments.

Of course, one of the most important responsibilities each one of us in the Senate has is to deal with confirmation of judges who have lifetime appointments to the Federal bench. It seems to me the Republicans are criticizing the Democratic leadership because sometimes they think we move too slowly, and now they are criticizing us for moving too fast on nominations. I don't quite understand it.

I hope the public will look at the record. When President Clinton was President of the United States, when he left office, there were 32 vacancies on the circuit courts of this Nation. Today, that number stands at 12. We have moved the confirmation process forward. I think we have done it in the appropriate manner.

I would also point out that there have been three circuit court judges who have had some controversy surrounding their confirmations in which there was opposition by Democrats, but at no time did Democrats delay the consideration of those nominations on the floor. They came up, they were voted on, there was never a filibuster, and there was never an effort made to slow it down. In fact, on one judicial appointment that was voted for on this floor, it was the Republicans who asked for the delay so they could get the necessary votes to get the nomination out of committee. So I think the record speaks for itself as to the consideration of judicial appointments.

FAA REAUTHORIZATION

Mr. CARDIN. Mr. President, I think it is ironic that the Republican whip used this opportunity to talk about delaying judicial appointments when the Republicans are in their 68th filibuster in this Congress. Sixty-eight filibusters. The most recent, of course, is the Federal Aviation Administration Reauthorization Act, the bill that is on the floor right now that we will have a chance to vote on later today. We have been on this bill for over a week without a vote because the Republicans are filibustering it. This is a bill which is critically important to the people of this Nation—first and foremost because of safety. I think Senator MURRAY pointed this out very clearly.

We need to implement the next generation of an air transportation system that was recommended in 2004. We still haven't implemented that. This legislation provides $290 million annually to modernize our satellite-based system. I am told there are some automobiles that have more sophisticated guidance systems or satellite identification systems than our planes. We need to do a better job.

We have a bill that was crafted in a bipartisan way in our committee that has come forward. Let's consider it on the floor for the sake of the people of this Nation—for their safety. We know that every year millions and millions more people are flying. Air traffic is up. We need to modernize our system for the safety of the people of this country.

We need more safety inspectors; we certainly know that from what has happened this year with the number of aircraft that were not properly inspected. This bill will provide the wherewithal in order to make sure we carry out the inspections in the best interests of the people of this Nation.

I am sure people are very aware of their fellow citizens being stranded on runways for up to 11 hours without being tended to. This legislation provides for a passengers bill of rights so that we have some basic protection for those who travel by air in this country.

It is important for our entire country, but let me just point out what it means in Maryland.

We have 20 million passengers who go through the Baltimore/Washington International Thurgood Marshall Airport, adding $5.1 billion to the economy of my State of Maryland. I could talk about the essential air service which affects one community in my State, the Hagerstown Regional Airport. That is in this bill.

My point is that this bill is a comprehensive bill that affects every part of our country, and it deserves a vote on this floor.

Hagerstown Regional Airport is critically important to the economic development of the people of that region, and the central air service which is extended in this legislation allows it to become the economic stimulus for additional growth in the Hagerstown area. So there is a lot depending upon this bill moving forward.

Yes, later today we are going to have a vote. It is a very simple vote. It is a vote on whether we are going to move forward on the legislation or we are going to allow the filibuster to continue—the 68th filibuster the Republicans have initiated in this Congress.

Majority Leader REID has made it clear that if the Republicans or any Member of the Senate doesn't like a provision in the bill, they can offer an amendment to take it out. We will have a vote on that amendment. There is no effort being made here to stop debate. What we are trying to do is take up a bill, not spend a full week in doing no work on the floor because we are in a filibuster. Let's end this filibuster, let's take up the amendments, let's vote on the amendments, and let the majority rule on this very important subject. That is what we are asking for today.

This is a bipartisan bill. It has enjoyed bipartisan support. The public wants us—Democrats and Republicans—to work together on issues that are critically important to the future of our country. Air traffic and passenger safety is critically important to the future of America. So I urge my colleagues to put aside partisan differences and allow us to let democracy work. Allow us to vote on the issues. Allow us to bring forward this critically important bill to the people of this country. We will have a chance to do that later today, and I hope that the necessary Members of this body will vote to put aside their partisan differences and allow us to have a vote for the sake of the safety of the people of this Nation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA REAUTHORIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2881, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 to 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No.4627, in the nature of a substitute.

Reid amendment No. 4628 (to amendment No. 4627), to change the enactment date.

Reid amendment No. 4629 (to amendment No. 4628), of a perfecting nature.

Reid amendment No. 4630 (to the language proposed to be stricken by amendment No. 4627), to change the enactment date.

Reid amendment No. 4631 (to amendment No. 4630), of a perfecting nature.

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 4636, to change the enactment date.

Reid amendment No. 4637 (to amendment No. 4636), of a perfecting nature.

Rockefeller amendment No. 4642 (to amendment No. 4637), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is an interesting situation in which we find ourselves today.

I guess I have to say last week was the most frustrating week I have spent in the Senate in my 24 years here. We are discussing an aviation bill which has highway provisions. We are discussing, for example, in the Presiding Officer's State, the need for essential

air service, shown by its loss of Frontier Airlines, and my State there is a similar situation and other States are in similar situations.

We are also talking about the fact that airlines are not being run in a safe enough manner. We are talking about the fact that we are just behind Mongolia in terms of our air traffic control system, in terms of its relevance to the modern age. It is a very scary situation.

Last week, we did not hold a single vote. We were on the aviation bill all week, but we did not have a single vote on aviation. I find that interesting, and I find it profoundly depressing, and, to a certain extent, it defines what the American people find so inadequate about Congress or, in this case, the Senate.

We have ideas, people work very hard, they work long hours, staff works particularly long hours, we negotiate, Members negotiate, we come to what we think is an agreement, and then days go by and nothing happens.

I repeat, I have never been through a situation where we have been on a bill which is this important and where 1 billion passengers are going to be using this air traffic system in 2015 and they are going to be using it on basically a ''Polaroid camera'' technology system. We have not had crashes. We did have one in Kentucky, but it is a little bit similar to post-9/11: Unless you have crashes that attract lots of cameras, people begin to lose interest. If there is anything not to lose interest in, it is not only the war on terror, but it is also aviation safety.

I repeat, we had all last week devoted to the aviation bill. We had one vote over the course of 5 days. That vote was a procedural vote—not the kind of thing that raises you out of your seat with excitement. Other than that, we did not vote on one aviation issue for the entire week.

When Senator Lott and I began this process a long time ago, we operated in a completely bipartisan manner. Senator HUTCHISON and myself were doing the same thing. We wanted to work together. We had worked together before on the aviation subcommittee. We had operated in a bipartisan manner. Senator REID wanted to bring the FAA reauthorization bill to the floor. It was timely. It was important. I worked very hard, from my point of view, to compromise.

I have a very large problem with the fact that high-end corporate jets and personal jets that may have one or two people on them, plus stacks of sandwiches and goodies, take the same amount of time for the air traffic controllers to navigate through the skies as some airplane that have 300 people aboard. A plane which is headed somewhere in America with people who have all kinds of work they have to do. Some are on vacation, because we are at that time of year, but most people are traveling because they have to travel—they have to go to a meeting, they have to be somewhere, they have to visit somebody sick in their family.

What is interesting is the general aviation community is paying for about 3 percent of the entire cost of the air traffic control system—3 percent, which means the commercial airlines are paying 97 percent. Yet the general aviation community dominates the skies at any given moment. There are an average of 36,000 planes in the skies during the day, and two-thirds of them are likely to be general aviation.

Of course, as soon as I said that, every Senator got 1,500 telephone calls from high-end jet users. I was on the Commerce Committee. We had to work this out with the Finance Committee. I worked with the Finance Committee, and we came up with a system that didn't put that kind of burden on the general aviation system.

My provision, which they said was really quite a horrendous thing to consider, was when a 737 or GV or GVIII takes off, they have to pay a $25 fee. If they flew to Bonn, which has this system already, obviously—all of Europe does—if they returned, they would have to pay another $25 fee. That would be a total of $50.

They began to talk about the end of general aviation as we know it. I stood back, aghast, at the sense of perspective in all of this. What they very well know is in general aviation we excluded 90 percent of all general aviation aircraft from this provision—crop dusters in Montana up to King Airs, everything was excluded; everything. Single-engine planes that doctors and lawyers fly to calm their nerves and get their heads in order—all those are excluded. Only the high-end jets—rich people, big corporations, big planes getting the full attention of the air traffic control system would have had to pay the fee in my provision.

I negotiated this provision with Senator BAUCUS, the chairman of the Finance Committee. He had a different perspective on this issue. Because he has superb staff and he himself is very good, I understood I was not going to get anywhere with my approach—which is a very small, little item in all of this. So I backed off from my approach and I eliminated this horrendous, Draconian, Attila the Hun-type $25 fee that it would actually take should the Presiding Officer own a G–8, that he wouldn't have to pay that. He simply would not have to pay that. He could just go right off and fly to Bonn and not pay that $25. So I backed off on that.

Then everything began to come together, and I was really encouraged that the full Senate could reach an agreement once the Commerce and Finance Committee bills were reconciled, and this appeared to be happening. But, on the other hand, there were other issues, so I got together with Senator HUTCHISON, and our staffs got together.

Actually, it was Leader REID who came up with a very smart idea. The idea, Senator HUTCHISON told me, was of interest to her. She said that sounds pretty good. It was the following: All aviation taxes, keep them but raise nothing on commercial airlines. Why? Because you have to hold them harmless because they are broke—some are in chapter 11, some in chapter 7—whatever it is they are in a mess. Keep the highway funding provisions. There are those who believe it is pretty important. It creates a lot of jobs. But strike the tax increases to pay for the highway funding, to use general funds—revenues to pay for highway spending. Keep the bonds for New York. Keep railroad bonds. Strike tax increases to pay for bonds.

We take sort of the extraneous financial parts of the aviation bill, which do not deal directly with aviation—and therefore you could say: What are we doing this for? You know you want money in the highway trust fund. I do. We do in West Virginia. The Presiding Officer's people do in Montana. We agreed to say, as we did with the alternative minimum tax—the Republicans voting along with that—that we would do these things, but we would not pay for them. That warmed my heart because it struck me that we were approaching a deal.

Then we agreed—that is, between Senator HUTCHISON and myself—to strike the pension provision, which affected American Airlines and a couple of others, on the basis that it was already settled law. It had been settled last year. It was the law of the land, and you don't just remove it.

Then there was kind of a return offer. It started out with no New York bonds. The New York bonds are in the President's budget. They are part of the commitment the U.S. Government and the President of the United States made to the State of New York after the 9/11 attacks. So that seemed to be something that could be done. But a lot of people, evidently, don't like New York—it would appear to be that way—so they said we have to get rid of those New York things. They also wanted to change the railroad bonds from tax credit bonds to tax-exempt bonds. That is cheaper. Maybe we can live with that. Working with Finance, we could likely work out a deal on railroad bonds, though railroads are not aviation, but they are a serious matter. That would probably be worked out. However, New York bonds we were told are simply off the table. That will affect rather deeply one New York Senator I can think of, who has a way of expressing himself quite strongly on this issue. But other than that, it seemed to me that everything could get pretty well worked out.

The problem was I had not heard from Senator HUTCHISON, and none of my staff had. We didn't really know, therefore, what she was thinking. She had said: That seems like a pretty good idea. Then we get back this other proposal, which complicates things.

Now I understand that Senator HUTCHISON, the Republican leader, Senator MCCONNELL, are in conversation. I

pray—I earnestly pray that they are in conversation right now about what to do about this because I really don't want to spend the next week not voting, and I really don't want to come to a cloture vote this afternoon which cannot possibly pass because, in more or less uniform fashion, the other party votes against it.

That is my sense of where we are at the moment. A number of people have come down and spoken about the bill. They have spoken usefully. But the important thing was that we chose not to act. We simply chose not to act. I reiterated that our aviation system is on the brink of collapse. Our air traffic system cannot handle the burdens of today, much less tomorrow.

I repeat my oft-used example of landing at Washington National Airport the other day and it was just wall-to-wall people, from one end of the airport to the other. I really couldn't figure that out what it would look like in about 5 more years and when we were soon going to have 300 or 400 million more people using this airport. What would it look like? How could it expand? What do air traffic control people do? In the meantime, the commercial airline industry is losing billions of dollars, and the increasing cost of fuel could force additional bankruptcies, and that means even more widespread job losses. If we do not pass this bill, essential air service disappears. Airport improvement development programs, which all rural States depend on with every fiber in their body, will disappear. And our constituents whom, the last I heard, we represent, we would be saying to them: You go ahead and wait for 9 hours or 2 days, a lot of cancellations, and that is really OK because we can't agree as between the two sides.

I am boggled by the concept of us ignoring a problem so huge for so long—just in the past week, much less in the last 10 to 15 years. Compromise is the essence of the Senate. I had hoped and I truly believed that we could make the necessary compromises to move this bill. I still hope that. I am always optimistic.

I compromised, as I said, on what are to me a number of really basic core issues in order to move this important legislation forward. Senator BAUCUS and I had a number of serious policy differences over how to fund the modernization of our air traffic control system, but because of the urgency of the legislation and our good working relationship, we reached agreement. Why? Because we had to. I only wish our colleagues shared this sense of urgency.

People sometimes have their particular parts of a bill which they raise to sort of a sainted status.

They are called amendments. And if you are a floor manager of a bill, you are trying to pass a bill. On the other hand, if you are an individual Member of the Senate and you have a particular issue that you care about and you put it up as an amendment, and it becomes your bill. Actually, it is an amendment, but if that amendment passes and it is not agreeable to others, then the whole bill fails. That is not the way democracy is meant to work.

Now, I have very high regard for Senator HUTCHISON, and I really do believe we can work out all of the aviation-related amendments to this bill in a bipartisan fashion. I will not give up on that. I never give up on anything.

We cannot work out the disagreements over nonaviation issues but, then again, maybe we can. As I have indicated, I will come back to this bill at a moment's notice. It should not take a crisis or a major accident, a bankruptcy that strands tens of thousands of passengers, or a long hot summer for this bill to be considered.

I will say also that Senator INOUYE and Senator STEVENS want to continue this as soon as we can. So I do urge my colleagues to take the long view. At the appropriate time I will urge them to vote for cloture. In the mean time, I stand here as manager of the bill without much going on. And I have gotten accustomed to that, but I have not gotten to like it any more.

There are no amusing aspects to it nor, most importantly, for the airlines and the people who travel on them. So since I am here alone, and not challenged by any others, I will continue to make some other remarks, and I will talk about aviation safety because I haven't sufficiently had an opportunity to discuss this. It is a speech that I would either give this afternoon or this morning. So why not give it this morning when I am sure I can give it all.

Aviation safety provisions are obviously at the core of our legislation to reauthorize the FAA and are fundamental to the public's faith in our aviation system. The FAA is responsible for overseeing the largest and most complex aviation system in the entire world.

I am proud to say our country is a global leader in aviation safety. But as I have cautioned before over the last months, that reputation has come under serious doubt and there are always numbers to be looked at underneath—you know, a number of accidents, and the FAA's lax oversight of Southwest Airlines has cast a serious pall over the agency's ability to execute its core mission.

Around that is the safety of the Nation's aviation system. Unfortunately, the agency's casual oversight of Southwest does not appear to be an isolated incident, despite the agency's claims to the contrary. Just the other day the front pages of our Nation's newspapers described another potential FAA coverup, this time on runway safety violations. And nobody has thought about that very much. That simply is airplanes taxiing on runways either to get to the terminal, or to get away from the terminal, and to get into the air. So air traffic controllers do not just look up in the sky, they have to look down on the runways. I know the FAA states it is working to address each new problem that becomes public. But with each new story, we have more questions than answers about the agency's commitment to the ability to address pressing safety issues.

At an aviation subcommittee hearing several weeks ago on this issue, I called for the Secretary of Transportation and the White House to engage on this issue. And I would actually make a point here. I am not aware of any White House involvement on any of these issues about aviation at any point.

I have not talked to anybody from the White House nor has any staff. They are just watching it happen. There is a pattern to this, but the pattern in this case is a cruel one because it is sort of deliberately condemning. I think it is fairly well understood that much of what happens on the Senate floor emanates from directions from the White House.

So I call for the Secretary of Transportation and the White House to engage on the issue. The administration issued a number of statements and committed to undertaking serious review of the FAA's safety oversight.

I am still not convinced it appreciates the severity of the challenges facing the FAA. I get the distinct impression the changes the FAA implemented are in response to our actions in the Congress. I still need reassurances that the senior leadership at the FAA, the DOT, and the White House itself recognize the extent of the FAA's problems and are committed to rectifying them. I do not think that is unreasonable. This is a massive national problem which people take for granted, but they cannot anymore because the system is collapsing.

I know many in the FAA and the industry cite the fact that there has not been a fatal airline accident in almost 2 years, and that statistically this is the safest time in the history of aviation to fly. That is the kind of statement, as soon as I hear it, I automatically start having darker thoughts because it is much too simplistic and optimistic a statement to make under any situation.

They happen to be correct, statistically. I still want to believe and be certain that the United States has the safest and best air transportation system in the world. Although the United States has not experienced a tragic accident since August 2006, the fatal crash of a commuter carrier in Lexington, KY, our aviation nevertheless has experienced a disturbing number of significant safety lapses. Any safety lapse is either inches or feet or seconds away from becoming a tragedy.

Although the FAA's oversight of airline maintenance has dominated the newspapers and the question of whether their maintenance should be done offshore, without particularly rigorous oversight, the number of serious runway incursions remains unacceptably

high and, as the General Accountability Office has stated, they are trending in a troubling direction.

I love that phrase, ''trending in a troubling direction,'' which, out of a Government agency, means that you are approaching catastrophe.

As I have said, having the safest system in the world does not mean it is safe enough. I am deeply concerned that the risk of a catastrophic accident is increasing rather than decreasing. We have all read the stories of near misses at our Nation's airports. Let's be honest. Had it not been for the quick thinking and actions of a few controllers and pilots, our Nation would have had at least one if not several major accidents claiming the lives of hundreds of people.

I do not mean to be overly dramatic or to scare the public, but I am growing increasingly concerned that our aviation system is operating on borrowed time. A National Transportation Safety Board member testified before our aviation subcommittee of the Commerce Committee earlier this month, and he stated he believed the next major aviation accident would not likely be in the sky, or some plane crashing into a mountain, it would take place on a runway. That would be the next major accident.

Many, including myself, have criticized the agency for being too close to the industry it regulates. Now, that is an easy statement on my part to make, and not fair in its entirety because we have some very good inspectors. We have some very good people in the industry that are trying, and then there are probably weaknesses on both sides. There certainly are weaknesses on both sides.

In 1996, to stave off efforts to privatize the FAA Congress accepted at that time a provision from both Democratic and Republican administrations so they could operate the FAA more like a business. We gave the agency special authority so it could run more like a private entity. The theory was that by running it like a business, it would cost less to operate. We must recognize that the FAA is not a business; it is a Government agency paid for by the people who it may or may not be protecting.

The FAA does not provide commercial services, it provides public goods, and they are called air traffic control, aircraft certification, and safety oversight.

We, that is the taxpayers of the United States, pay taxes for these services. This is not a private enterprise matter. We need to start thinking about this agency very differently. That is not meant to diminish the people who work for the FAA or run the agency. This is simply a challenge for policymakers.

I believe it is a challenge that this bill begins to address. The Aviation Investment Modernization Act provides the FAA with additional needed resources to do a lot of things. First and foremost, we authorize 200 more safety inspectors. I do not know if that is enough; it probably is not, but the FAA has always been overlooked. It is like the Veterans' Administration which was overlooked until somebody wrote a story in the Washington Post that took this Congress and just shook it from head to toe.

We will never be the same again with respect to veterans, at least I pray that we will not. I do not believe we will. So the Appropriations Committee has already substantially increased FAA funding for inspectors for this fiscal year. And this bill will give the ability to do more in subsequent years because it is a multiyear bill.

I want to take a few minutes and outline the safety provisions in the bill that I believe will strengthen the FAA's oversight of airlines. It makes sure the FAA's voluntary disclosure reporting process requires that inspectors verify that the airlines actually took the corrective actions they stated they would. That is like a teacher correcting a math test. It is one thing to take a math test; it is another thing to have it looked at and graded. You find out whether you passed.

It is very sensitive. It would evaluate if the air carrier had offered a comprehensive solution before accepting the disclosure and confirms that the corrective action is completed and adequately addresses the problem disclosed. That is sensible. That is in the bill. That is in the bill on which we did not have a single vote all last week, except for one procedural one.

It implements a process or second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector. This is an important statement. So you do not get coziness; inspectors change.

It revises the FAA's postemployment guidance to require a cooling off period of 2 years before an FAA inspector is hired at an air carrier he or she had previously inspected. While we do that increasingly, I cannot think of a more important place to do it than in the FAA safety inspections. It implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections. One of the problems is people get way behind on inspections, the airlines do. The FAA does a lot of paperwork. All of the problems with an underfunded agency, which we in the Congress and administrations, both Republican and Democrat, have tended to put in a secondary category.

The process must incorporate something called ATOS, the Air Transportation Oversight System, reviews to determine full compliance with air worthiness directives at a carrier over a 5-year period that incorporates physical inspection of the sample of their aircrafts.

It establishes an independent review through the Government Accountability Office to review and investigate air safety issues identified by its employees. This develops a new review team under the supervision of the Department of Transportation inspector general; that is, the DOT IG who conducts periodic reviews of FAA oversight of air carriers.

It requires a comprehensive review of the FAA Academy and facility training efforts to clarify responsibility and oversight of the program at the national level and establishes standards to identify the acceptable number of developmental controllers at each facility. That is not a Shakespearean paragraph, but I hope the Presiding Officer and the ranking member of the Finance Committee understand what I am saying.

As a recent New York Times article said:

> One of the most critical challenges in aviation safety is improving safety conditions on our nation's runways.

I am back at them. Over the past year, we have seen a marked increase in the number of serious misses on our Nation's increasingly crowded runways. Again, this legislation includes provisions to reduce the number of runway incursions. It does so in the following manner:

First, the bill requires that the FAA develop a plan for reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process. That is not Shakespearean either, but it is precisely accurate, and it is what needs to be done. It directs the FAA to create a plan for the deployment of an alert system designed to reduce near misses.

This alert system must notify both air traffic controllers and flight crews about potential runway incursions. The establishment of this system is one of the NTSB's highest aviation safety priorities.

In addition, the bill requires a number of other safety provisions, including a provision to reduce the flammability of airplane fuel tanks. This was identified as the direct cause of the TWA 800 crash which occurred over a decade ago. I know the issue is a priority for Senator SCHUMER.

Improving the safety of our Nation's aviation system is one of the most paramount objectives of this bill. I believe we have made substantial progress with respect to this objective. I look forward to further debate on the safety provisions, as Senators come to the floor. I welcome any input that might improve these sections of the bill, but even more importantly, that might actually get us to a point where we can vote on a bill.

I thank the Chair, yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next Republican speaker be Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we are in a situation where a couple hours from now we will have a vote. I am sure people across the country watching this debate might be wondering what is going on, on this Federal Aviation Administration reauthorization bill. I would like to shed some light on where we are. As I shed some light, I wish to respond to some of the fiction that has taken the guise of debate.

On Wednesday of last week, two Senators, one Republican and one Democrat—Senator HUTCHISON and Senator DURBIN, respectively—offered an amendment to strike a provision in the substitute amendment then before the Senate. The substitute then pending was the product of extensive staff negotiations and Member discussions between two committees with jurisdiction over the Federal Aviation Administration program. The two committees were the Finance Committee, on which I serve, and the Commerce Committee, on which I do not serve.

People who may not understand how the Senate works or does not may wonder what the situation is. I would like to explain there are certain elementary things about the Senate that are fundamental. First, nothing gets done in the Senate that is not somewhat bipartisan because of the benefit of debate for minorities to hold up legislation until things are accommodated—meaning compromise. It is often difficult to get one committee's Republicans and Democrats together to get agreement to bring something to the floor that can get passed. It is difficult to get Republicans and Democrats on one committee together, but then we have the added benefit of the Commerce Committee getting together for a compromise, and then working out compromises between the Finance Committee and the Commerce Committee makes it doubly or, in a triple manner, difficult to get things done on the Senate floor. So we have two committees that reach accommodation bringing a bill to the floor. After it gets here, then it runs into trouble.

The Finance Committee's involvement in this is determining the aviation excise taxes, and it controls the airport and airway trust fund. We have to raise revenue. Without that money, there would not be much the Federal aviation program could ever accomplish. On the other hand, the Commerce Committee develops all the policy and all the programs that involve airports and aviation. So that is how you get two committees working together to get a bill to the floor. The Finance Committee works out its differences between Republicans and Democrats on financing. The Commerce Committee works out its differences between Democrats and Republicans on the policy of airports and aviation. Then you have to get these two committees together to move things to the floor of the Senate.

Last year, the Commerce Committee acted first. The Finance Committee acted a few weeks later. The Finance Committee, as part of its compromises, addressed airline pensions. We have heard many arguments pro and con about the merits of the Finance Committee provision. I addressed the merits myself at length last week so I will not repeat them now. But in a few moments I wish to respond to some of the points made by opponents of the Finance Committee provision.

As I said earlier, the substitute that was before the Senate until last Thursday was a product of a compromise between the Finance Committee and the Commerce Committee. Under that compromise, the Federal Aviation Subcommittee chairman and ranking Republican were managing the bill. They were, however, at a minimum, under the obligation to consult with the Finance Committee chairman who is Senator BAUCUS of Montana and the ranking member who happens to be this Senator with respect to Finance Committee matters in that substitute. That compromise and understanding was violated when the Democratic floor manager unilaterally modified the substitute. Under the rules of the Senate, he had that right. The modification was directly adverse to the interests of the Finance Committee members' compromise among themselves. So the managers breached that compromise, plain and simple. That compromise was breached.

What matters worse is the Democratic leader backstopped the Democratic floor manager's violation of the Commerce-Finance Committee compromise by filling the amendment tree. Basically, for those watching, that means nothing is going to be brought to the Senate floor as an amendment without the unanimous consent of somebody who has that responsibility on the other side of the aisle. So with tremendous power in one person, what we call the amendment tree is filled.

Now, we all know the proponent of the amendment, the Democratic whip, has a lot of power. That power was displayed when the offending narrow pension provision I have already referred to—the pension provision the Finance Committee was trying to correct—was airdropped into a conference report on Iraq spending last year. There were no hearings. There was no markup. There was no committee process. There was no transparency, just airdropped in a war supplemental conference committee report, something that everybody knew was going to pass and be signed by the President. So airdropped, wam, bam, here it is, take it or leave it, special interest provisions cooked up in the offices of leaders of the Democratic caucus. It is not the way we ought to legislate.

We have been told that by people on the other side of the aisle many times. I wish to make reference to at least one of those times. I seem to recall a lot of outrage when these kinds of narrow provisions were airdropped into a conference report when we Republicans were in the majority. No one was louder than the proponent of the amendment that was last week on the Senate floor than the Democratic whip. If we had a C–SPAN checker, you could roll the tape back a few years. But I will have to settle because I am not going to roll C–SPAN back to demonstrate the inconsistency of what is going on here, for a New York Times article I wish to refer to.

I ask unanimous consent that this letter be printed in the record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1997]

SENATE REPEALS TAX BREAK FOR THE TOBACCO INDUSTRY

(By Lizette Alvarez)

In another resounding setback for the tobacco industry, the Senate voted overwhelmingly today to repeal a $50 billion tax break for the industry that was slipped into the tax cut legislation just before it was passed in July.

The repeal amendment, sponsored by Senators Susan Collins, Republican of Maine, and Richard J. Durbin, Democrat of Illinois, passed by a vote of 95 to 3. It would delete a one-sentence provision in the tax package that permitted tobacco producers to subtract $50 billion from the amount they would pay under a proposed legal settlement with a group of state attorneys general.

Senator Durbin hailed the vote as a sign that the tobacco industry's sway was waning on Capitol Hill.

''The overwhelming vote sends a clear message, first to the tobacco companies: Don't try this type of backroom deal and deception in the future,'' Mr. Durbin said. ''It is really an example of the old school of politics, the old style of politics.''

As the Senate was dealing a blow to cigarette makers, top White House officials were engaged in a debate over how to approach the proposed nationwide tobacco accord. Some of President Clinton's closest advisers were pushing him to issue a strong endorsement of the $368.5 billion tobacco proposal, while others—including Vice President Al Gore and top officials of the Department of Health and Human Services—were urging a more moderate approach in which the President would spell out his goals without embracing a specific legislative plan for achieving them.

Tension within the Administration over the agreement is not likely to be resolved until next week, when Mr. Clinton is expected to decide whether to back the proposed tobacco agreement, which has powerful critics among public health experts and Democrats in Congress.

Today's vote on the $50 billion tax provision indicates that whichever course the President adopts, a sweeping settlement with the tobacco industry will not be enacted until it faces months of scrutiny in Congress.

Public health advocates began a last-ditch round of lobbying to persuade Mr. Clinton to reject the settlement, which was negotiated by state attorneys general, plaintiffs' lawyers and tobacco industry representatives.

Dr. David A. Kessler, former Commissioner of Food and Drugs, met with top White House aides and members of Congress today to urge them to reject the proposed settlement in favor of a $1.50-a-pack tax on cigarettes.

Dr. Kessler maintained that substantial price increases were the only proven means of reducing smoking by teen-agers. He was preparing to testify before a Senate committee on Thursday that the proposed settlement amounted to a bailout of the tobacco industry and would not significantly reduce minors' use of tobacco.

The tax provision repealed today in the Senate would have effectively allowed tobacco companies to save $50 billion on the proposed settlement by claiming a dollar-for-dollar credit on a 15-cent cigarette tax increase. The tax was approved in July by Congress to underwrite health care for children.

Although the Collins-Durbin amendment won near unanimous support in the Senate today, its survival depends on two things: passage of the massive appropriations bill, to which the amendment is attached, and the House's agreement to go along with the provision.

But the support that the amendment received today, even among senators from many tobacco-growing states, is likely to force the issue in the House, Senator Durbin said.

Representative Nita M. Lowey, Democrat of Westchester, has offered a companion bill in the House. ''We're going to make sure we prevail in one form or another form,'' she said.

Today's vote is also a sign of the escalating frustration and impatience with the tobacco industry's tactics at a time when the industry is working to rehabilitate its image, lawmakers said today. The provision was inserted in the tax bill at the last minute, members said, to stave off discussion and debate.

The three Senators who voted against the amendment were Mitch McConnell of Kentucky and Lauch Faircloth and Jesse Helms of North Carolina, all Republicans. Both Kentucky and North Carolina are large tobacco-producing states.

No one has yet stepped forward to claim authorship of the tax provision that was repealed today.

Senator Durbin, who characterized the tax provision as an ''orphan,'' added that ''people said it appeared mysteriously.'' and was still expressing astonishment over how it materialized at the last minute.

The Senate majority leader, Trent Lott of Mississippi; Speaker Newt Gingrich of Georgia; the White House chief of staff, Erskine B. Bowles, and the chief White House lobbyist, John Hilley, all approved its insertion in the tax cut bill. They were the last ones at the table in the final negotiations over the balanced budget and tax-cutting agreement.

Today, Senator Lott voted to repeal the credit.

Mr. Lott's press secretary, Susan Irby, said there was never a secret conspiracy to keep the $50 billion credit under wraps, noting that it was present in the tax cut bill the weekend before it was voted on. ''This garbage about something being slipped in and it being a one-sided agreement is poppycock,'' Ms. Irby said.

For the tobacco industry, today's vote was one of several recent setbacks. Last week the Senate reversed an earlier decision and agreed to earmark $34 million to pay for a crackdown on illegal sales of cigarettes to underage youths.

The pressure was also stepped up on Tuesday by Senators Tom Harkin, Democrat of Iowa, and Connie Mack, Republican of Florida. The two announced that they planned to introduce legislation to prevent tobacco companies from writing off one-third of the billions they would have to pay under the settlement.

The bill would funnel the money to the National Institutes of Health to help pay for research on cancer, emphysema and other diseases linked to smoking.

Mr. GRASSLEY. It is dated September 11, 1997. That article deals with a very successful effort on the part of the present Senate Democratic whip to remove any extraneous matter that had been airdropped into a conference report on a popular tax relief bill by the then-Republican majority of the Senate. The offensive measure was a tax credit for payments made by tobacco companies in the tobacco court settlement. The Democratic whip successfully repealed that airdropped provision. I happened to think he did the right thing then because I supported his efforts. The Democratic whip noted his victory by saying, quoting from the New York Times article of September 11, 1997:

> Don't try this type of backroom deal and deception in the future. It is really an example of the old school of politics, the old style of politics.

That is a quote from the very same person who is involved in this effort we are speaking about now and that we will be voting on this afternoon.

The distrust of the public for the old school of politics, the old style of politics, is something the junior Senator—not the senior Senator but the junior Senator from Illinois has eloquently raised on the Presidential campaign trail.

To be bipartisan, I might say, the senior Senator from Arizona, also a candidate for the Presidency, has also touched a nerve about the old school of politics and the old style of politics as well.

The Democratic whip was right 12 years ago. I agreed with him 12 years ago. I voted with him 12 years ago. Unfortunately, with respect to this airdrop pension provision, the old school of politics, the old style of politics was applied.

Now, what do I mean? In this case, old school, old style power politics was at play. A powerful member of the Democratic leadership, a key member of the Appropriations Committee, did an end run around the Finance Committee and also the Health, Education, Labor, and Pensions Committee.

Forget about the nearly yearlong conference negotiations that went on to get a pension bill passed in 2006 as well. It was bipartisan and involved the work of two committees, which I have spoken to—that it is often difficult to get one committee together without getting two committees going in the same direction. Forget about the nearly yearlong conference negotiations on that pension bill. Forget about all the hearings the House and Senate tax-writing and labor committees held on pension reform in the year 2006. Forget about the delicate compromise worked out on the way the funding rules affected airlines.

All of a sudden none of that mattered. The Democratic whip noted his victory. None of that mattered. So, consequently, here we are: a person who 11 years ago found fault with the majority party airdropping something—in other words, stuffing something—in conference without debate, without hearings, without committee markup, doing the same thing 10 years later.

What he was able to successfully correct in 1997, we are trying to correct now. We have obstacles put in the way: things such as having a very unusual compromise worked out, junked by the managers of the bill, and backed up by an amendment tree being filled so nobody can get a vote on issues that ought to be voted upon. Compromises that were worked out in 2006 ought to be maintained and backed up, as they overwhelmingly passed at that particular time.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today to talk about the FAA reauthorization bill and a crucial issue that affects not only the entire airline industry—and is, therefore, at the center of this effort—but also it dramatically affects every Louisiana family, every American family struggling to pay its bills; that is, sky-high energy prices, including dramatically increasing prices at the pump.

I was very much looking forward to bringing up this issue with others and bringing up Vitter amendment No. 4648 to the FAA reauthorization bill to try to move forward in solving this issue. It is really a shame, in my opinion—and I think I am joined by many others in that conclusion—that the majority leader has filled up the amendment tree and shut down all amendments to this important bill.

This is an important matter: FAA reauthorization, the health of the airline industry and aviation. This is an important issue: sky-high energy prices. Of course it affects the aviation industry, but it affects all of Americans' pocketbooks as well.

In that context, I think it is particularly a shame the majority leader would shut down all amendments and shut down this important and healthy debate. But even though my amendment, and so many others germane to this topic, will not be able to be heard and voted upon, I did want to take the floor to outline those amendment ideas and to try to further the important discussion and debate.

When we think about energy prices, how to stabilize them, how to lower

them, I start with economics 101. I start with the very first rule of economics I ever learned, the very basic rule that all of us think of in economics; that is, the law of supply and demand. So as with the price of any other commodity, if you are talking about energy, a good way to try to stabilize prices and bring them down over time is to work on two things: decreasing demand and increasing supply.

Again, economics 101 would tell you if you can do that—if you can shift both of those curves, shifting the demand curve by decreasing demand, shifting the supply curve in the opposite direction by increasing supply—you not only stabilize but you bring down prices.

It seems to me we should all be coming together in a bipartisan spirit to do both. I am eager to do both. I support proposals to do both.

There are at least three fundamental ways to help decrease demand on oil and gas specifically; that is, to conserve, to increase efficiency, and to move toward alternative fuels. Our energy picture is so dire, so challenging, we cannot pick one of the three. We need to do all three aggressively, just as we also need to work aggressively on the supply side.

So I support and will continue to aggressively support measures that make sense in terms of conservation, in terms of increasing efficiency, and in terms of promoting, moving toward alternative fuels. Those all lessen the demand on oil and gas.

But too often we get in this stale debate in the Congress, this stale deadlock, where one side of the political fence only wants to attack one side of the problem, and the other side of the political fence only wants to attack the other side of the problem, when our energy picture is so dire we clearly need to do both. So as we attack that demand side, let's not ignore the supply side either. As we move to a new alternative energy future, let's not ignore the fact that we will be dealing with oil and gas and depending on it significantly for many years to come. So let's turn to the supply side too, to increase our supply as we try to decrease demand to stabilize and bring down prices.

My amendment, Vitter amendment No. 4648, would do just that. I will outline that in a minute.

Before I do, though, let me express regret that so many of the suggestions, so much of the push, at least rhetorically in political debate and campaigning on the Democratic side, seems to ignore all these lessons, seems to not think or care about demand, not think or care about supply, not think or care about the issue and doing something about it. It just seems to be designed to go after the easiest and biggest political target in sight, which is the big oil companies, specifically by proposing dramatic tax increases on big oil.

Now, if some dramatic tax increase on big oil would move us down the path of solving our energy challenge, I would look at it very seriously. The fundamental problem I have with it is that it does not solve anything and, in fact, it almost certainly makes the problem worse.

There are two versions of this same political push to just attack the easiest and the biggest political target in sight. First of all, there is a proposal that we have actually voted on several times, and we have blocked several times, that would do away with certain incentives for oil companies to go into deep water, explore, and produce more energy. It would also do away with certain royalty relief designed to do the same thing.

Now, make no mistake about it, these tax incentives are in place to push companies—small, medium, and large—to go into deeper water, more difficult terrain, and extract more energy from the ocean bed to supply us with more energy. It seems beyond debate, in my opinion, that doing away with those incentives and that royalty relief will heighten the bar, will make it more difficult for any company—small, medium, or large—to do just that. So as we are trying to increase supply, this would do just the opposite and decrease supply.

Maybe it makes some people feel good because we are whipping up on some oil companies. Maybe it earns votes and earns favor with voters, particularly in an important primary election season. But I think around here we should perhaps ask the question: Does it do anything to solve our energy picture? And the answer is no. The answer is also no because there is nothing to prevent companies from passing on that tax increase to consumers. So just while we are trying to give consumers some relief at the pump, we would almost certainly be passing a tax increase that would be passed on to them in part or in whole and up the prices at the pump.

Now, the other popular version of this same political attack is a very old idea, dusted off, and apparently given new life this election season; that is, the windfall profits tax. Oil companies make way too much money. They have exorbitant, outrageous profits, so the argument goes, so we are going to attack, we are going to tax that windfall profits.

Just as an example, the leading Democratic candidate for President, our colleague, Senator BARACK OBAMA, has such a proposal to tax the profits made based on a price of oil over $80 a barrel. So we figure what that is on the part of any oil producer. That affects a lot of companies, not just big oil but medium and smaller producers, and for any profit associated with the price of oil over $80 a barrel, we are going to stick a big tax on that and bring that into the Federal Treasury.

Well, again, the fundamental problem with that, in my mind, is it does nothing to solve our energy problem and almost certainly makes that energy problem worse. It does nothing to increase supply. It almost certainly does something to decrease supply by making it less productive, less profitable for energy companies to go after more supply.

There are other problems as well. The first problem is the misnomer, windfall profits tax. The reported profits of the major oil companies are enormous for a very simple and basic reason: the size of the companies and the size of their activity is enormous. But, of course, as any economist would tell you, if you want to analyze a level of profit, you need to define it as a percentage of sales, as a percentage of assets—some percentage number like that—not a gross number which, of course, is going to be very large if you are dealing with an entity or a set of activities that is very large.

The fact is, when you look at that issue, when you look at oil and gas companies' profits as a percentage, it is very much in line with American business. The last figures we have are for the full calendar year 2007. In that calendar year 2007, oil and gas companies' profits were 8.3 percent.

Now, how does that compare? Well, for all of the U.S. manufacturing sector—a sector we always decry as in decline and being outsourced and in decline historically—that profit was 7.3 percent for 2007. If you take out U.S. auto companies—which are hurting, which have a much lower figure—then U.S. manufacturing was 8.9 percent. So, in fact, oil and gas companies are almost exactly in between all U.S. manufacturing, and all U.S. manufacturing except auto. It is reasonable to take out auto because they are in such dire circumstances. So they are not windfall profits at all.

Another important question to ask is, where these profits—whether they are normal or anything else—go because if we are going to stick a big tax on them, perhaps we should ask whom we are really taxing.

There is some notion out there, fueled by these political attacks and this pandering in an election year, that, well, of course, the only folks we are affecting are the executives at the big oil companies. But, of course, the facts are fundamentally different.

As this chart shows, profits of energy companies, oil and gas, go to a wide array of Americans, which today, thanks to the growth and vibrancy of our stock market and our investment opportunities, affects almost every single American. Yes, of course, corporate management owns some of their companies—about 2 percent. Most of the rest is owned by a wide array of Americans through IRAs, through other institutional investors, through mutual funds, and, perhaps most significantly, through pension funds—27 percent. That means about 129 million pension fund participants own these companies and would be taxed and attacked by these proposals. Those accounts are worth an average of $63,000. Twenty-

eight million of those pension fund accounts are for public employees—that includes teachers and police and fire personnel, soldiers, government workers—and each of those accounts represents a public servant who owns part of that energy industry. A good example is the New York State Teachers' Retirement System. They report that 6.6 percent of their domestic equity holdings were in energy companies in 2004, the last year for which we could get figures. That includes $1.5 billion in Exxon and $500 million in Chevron. That is in large part 27 percent who own these big, bad companies that some would attack and try to tax into oblivion—average Americans all across America through pension funds, through mutual funds, through IRAs, through other institutionalized investment.

Now, again, let me return to the basic point. If we want to try to really solve our energy picture, stabilize and bring down the price, including the price at the pump, maybe we should focus on that economics 101 lesson. Maybe we should decrease demand with a more sensible policy to conserve, to increase efficiency, to move to alternative fuels, and at the same time maybe we should increase supply. That is what my amendment, the Vitter amendment No. 4648, is all about—to attack that very important supply side. We need to do both. We need to do all of these things at the same time, but we cannot exclude one side of the equation or the other.

The Vitter amendment to this FAA bill would pose a very simple solution to attack the supply side and increase supply domestically in a far more aggressive fashion. The amendment would establish a trigger in the law pegged at a certain level of the price of oil per barrel. That level would represent a 190-percent increase in the price per barrel since 2006. That comes out to just short of $126 per barrel. Now, unfortunately, of course, the price has been rising dramatically for many months, and we are not too shy of that right now. We are roughly at $120 per barrel. But at this trigger, under the Vitter amendment, if we reach and pass the trigger—about $126—then certain aspects of our Federal law would change.

Specifically, we would allow exploration and production in Federal waters, the Outer Continental Shelf off any State that wants to get into that activity. I want to emphasize that last phrase because it is very important. We would allow that activity in the Outer Continental Shelf but only if the host State—the State off whose shores the activity would happen—wants that activity to happen. Then and only then, if the Governor, with the concurrence of the State legislature, says, yes, we want to allow this activity, we would allow energy production in those waters.

We would also demand something else that is very important in terms of fairness and equity and good Federal policy. We would expand upon the revenue-sharing precedent we set about a year and a half ago when we opened new waters in the eastern gulf. That was a very important precedent, a very good energy policy, in my opinion, upon which we should build and expand.

So under this Vitter amendment, if the trigger is pulled, if States say, yes, we want to allow this oil and gas activity, we would allow that to happen. But the host State would recoup a very significant percentage of the revenue to stay in that State's coffers; specifically, 37.5 percent. That is precisely the figure we passed into law for new areas of the gulf that are being developed now because of the action we took about a year and a half ago.

In addition to that 37.5 percent, we would also have revenue sharing for the Federal fund for conservation—12.5 percent. That is an important part of the revenue-sharing precedent we set a year and a half ago as well.

Finally, the Vitter amendment would allow host States to distinguish, if they would like, between exploration production activity for natural gas and exploration production activity for oil. Some States, particularly on the eastern seaboard, would probably act immediately to allow that activity for natural gas. But there is still concern about environmental issues with regard to oil. While I might disagree with them, while I might disagree with those concerns because I believe we have the technology in place to do all of that in a very careful, sensitive, and responsible way, we should leave that up to the States so those host States can, in fact, make the choice and they can choose natural gas or they can choose oil or they can choose both under the Vitter amendment.

Now, unlike these other proposals—mostly tax proposals that have nothing but political motivation behind them and that do nothing at all to change the supply picture for the better, to change the demand picture, and to actually stabilize and bring down energy prices—this proposal would do something to improve that situation.

Resource estimates in those areas of the Outer Continental Shelf that are now off limits, that the Vitter amendment could open up if the host State wants that activity to happen, those resource estimates are staggering: the Atlantic OCS, 3.82 billion barrels of oil and 36.99 trillion cubic feet of natural gas; the central and eastern Gulf of Mexico which is now off limits, 3.65 billion barrels of oil and 21.46 trillion cubic feet of natural gas. That is not counting what we have recently put on the table. The Pacific Outer Continental Shelf, 10.37 billion barrels of oil and 18.02 trillion cubic feet of natural gas. That is enormous total resources of almost 18 billion barrels of oil and 76.5 trillion cubic feet of natural gas. That is enough oil to power 40 million cars and to heat 2 million households for 15 years. It is enough natural gas to heat 16 million households for almost 20 years. Now, that would actually do something about our energy picture. That would actually expand supply and therefore help stabilize and bring down price.

Is it the only thing we need to do? Absolutely not. As I said at the very beginning, our energy challenge is so great that we need to break out of this stale debate where one side of the political fence wants to do one set of things only—basically, to decrease demand—and the other side of the political fence wants to focus on one set of policies only—to increase supply. The simple fact is we need to do all of the above. We need to start immediately. We need to do it aggressively because it is only doing all of these things at once that will adequately address our energy challenges, that has a chance to stabilize and bring down prices, including the prices that rocked the airline industry and are a huge factor in aviation—we are talking about the FAA bill here on the floor now—and, of course, including the prices all Louisianans and all Americans pay at the pump.

For once, let's come together as a Senate and do all of those things. Let's really think about what can actually have an impact on price. Let's move beyond the politics of the moment, which is always to beat up on an easy and big political target such as the oil companies, and let's ask the question: Does that have any impact for the consumer? Does that have any impact in terms of our energy future? Let's do the sorts of things, such as the Vitter amendment, that can actually help the consumer and increase our energy independence.

Again, it is with great regret that I realize I am not able to actually call up this amendment to the FAA reauthorization bill right now. This is a vitally important topic. Whatever you think about it, whatever proposal you put out, certainly we can all agree that energy prices are enormously important for all Americans, for the country, and certainly we can all agree that it is an enormously important issue that goes to aviation as well as other sectors of our economy.

In that light, I think it is particularly regrettable that Senator REID, the majority leader, has filled the amendment tree and therefore shut down the entire amendment process before it even began on a major bill on the Senate floor. The Senate floor is supposed to be renowned for an open amendment process. Yet we have amendments about the key issue facing Americans today—energy prices—and we can't offer a single one. There is something wrong here. There is something out of kilter. That is not the Senate I was told about with an open amendment process, open debate, with great, virtually unlimited opportunity. That is not what the American people expect of Congress—to actually debate

and act on real issues that they care about, and certainly that includes energy prices. So it is regrettable that we don't have a fair opportunity on the FAA bill to do just that. I hope we will have those opportunities very soon.

I understand there may be an energy bill that is moved to the floor soon on the Senate side, perhaps as early as next week. I hope that will yield an open, fair opportunity for the sort of open debate and open amendment process that is supposed to be the hallmark of the Senate. If we are given that open, fair opportunity then, as it is being denied now, I will certainly bring this proposal forward again because, unlike a lot of the rhetoric flying around, unlike the tax increase proposals which I believe will increase the price at the pump and decrease supply, I believe these proposals I have presented could do just the opposite. They could be an important step forward in addressing our energy future and the more immediate need to stabilize and bring down energy prices for all Americans.

With that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATING BARRIERS TO CANCER RESEARCH

Mr. BROWN. Mr. President, yesterday, at the James Cancer Hospital at Ohio State University in Columbus, OH, our State capital, I announced legislation to eliminate needless barriers to cancer research.

I was joined by Dr. William Carson, by Dr. James Thomas, by patients, and by nurses, who do the research and the clinical care for patients during these clinical trials. Many have worked on this issue with Congresswoman DEBORAH PRYCE, a Congressional Republican.

Merle Farnsworth, a lymphoma patient from Beverly, OH, shared an emotional story about cancer clinical trials meaning hope—and possibly a lifesaving cure—for him and millions of patients like him.

The goal of both the House and Senate versions of this legislation is simple: to finally identify cures for this merciless killer.

So many of us have been touched by cancer. We all know—all of us, I guess, in this room right now—someone with cancer and have lost someone to cancer or we know someone living with cancer.

Focusing on cancer yesterday at James Cancer Hospital reminded me of what is at stake when we are fighting for broader access to health care. We are fighting to promote and enable early detection of childhood cancers, such as Hodgkin's Disease, leukemia, and bone cancer, and to ensure that every woman can receive mammograms and pap tests.

We are fighting to diagnose cancers as soon as possible, which is the key to saving lives. We recognize everyone should be able to get these preventive measures, regardless of where they live or how much they earn.

We recognize a woman with breast cancer without insurance is 40 percent more likely to die than a woman with breast cancer with insurance.

We need a health care system that is affordable and inclusive, where insurance companies follow through on providing coverage to those who need it.

No American should be driven into bankruptcy by a catastrophic illness such as cancer. And no one should be denied access to clinical trials because insurance companies all too often try to drop them from coverage.

Last year, Sheryl Freeman, a retired schoolteacher, and her husband Craig from Dayton visited my office in Washington. Sheryl had multiple myeloma. Sheryl and Craig brought to my attention the problems they were having with their insurance company.

Sheryl was a retired schoolteacher and was covered under Craig's insurance plan. Craig has been a Federal employee for 20 years. When Sheryl enrolled in a clinical trial to save her life, her insurance company would not cover the routine costs of her care. If she had not enrolled in the clinical trial, they would have covered the costs of her care.

She enrolled in the clinical trial. The insurance company, for all intents and purposes, dropped her from providing routine care for her.

In addition to her clinical trial in Columbus, Sheryl needed to visit her oncologist in Dayton, about 1 hour 45 minutes away, at least once a week for standard cancer monitoring, which included blood tests and scans. But her insurance company would not cover these services if she enrolled in a clinical trial.

Sheryl wanted to take part in a clinical trial because she hoped it would help her, that it might save her life, give her more time, and further cancer research. But rather than devoting her energy toward combating cancer and participating in a clinical trial, Sheryl spent the last months of her life haggling with her insurance company. The delays and the denials from her insurance company probably affected her treatment and her survival. Sheryl died on December 9, 2007.

The story could have ended differently. Sheryl and Craig should not have had to sacrifice their precious time together trying to get the care she deserved, the care she paid for when she signed up for health insurance. People invest in insurance when they are healthy so they have financial protection when they are sick. It is meant to cover the costs of unanticipated health care needs.

Whether a coverage exclusion such as this one, which denies payment for unanticipated health care needs, is written into an insurance contract, it is still a scam.

Unfortunately, Sheryl and Craig are not alone. This is happening across Ohio. It is happening in the Presiding Officer's State of New Jersey, and it is happening in all 50 States. Some 20 percent of cancer patients who attempt to enroll in a clinical trial face the same problem with their insurance companies.

It is because of stories such as these I am introducing the Access to Cancer Clinical Trials Act this week. Similar legislation is on its way to getting passed in the Ohio State Legislature. The Governor plans to sign that bill immediately.

My bill and Congresswoman PRYCE'S bill in the House ensures this protection nationally. The bill simply obligates health plans to pay for routine care costs when a cancer patient enrolls in a clinical trial, something, frankly, we should not have to tell the insurance companies to do. But when they drop coverage for people who signed up for a clinical trial, it is what we have to do.

These are costs, as I said, that would normally be covered if a cancer patient were not participating in a clinical trial.

The legislation is specific in its definition of routine care costs and follows the Medicare definition.

The bill will ensure that cancer patients and their caregivers can use their valuable time together to fight the disease instead of the redtape of insurance companies.

In order to fight cancer and make progress, we need to further scientific advancement, not create barriers for patients who want to participate in lifesaving research.

I am grateful to Merle Farnsworth for yesterday so courageously and passionately sharing his story with us and the public. I am grateful to the nurses who do their clinical care and practice their research for these patients in these clinical trials. I am grateful to Sheryl and Craig for their courage in sharing their story. Their two children joined us yesterday in bringing this issue to my attention.

Sheryl was already very sick when she visited Washington, DC, and I imagine it was not easy for her to be traveling, but she did. She saw how important this issue was. I will keep the Freemans in mind as I advocate to get this bill passed. I will work hard on this legislation so no one has to go through the kind of experience the Freemans had and the kind of experience Mr. Farnsworth had.

Instead of fighting their cancer, too many Americans are forced to fight their insurance company in the late

stages of their disease. That has to stop. That is why this legislation is so very important.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL FUNDING

Mr. COCHRAN. Mr. President, 2 weeks ago, I came to the Senate floor to express my concern that Congress had yet to act on the President's fiscal year 2008 request for supplemental funding to support our troops and our efforts in Iraq and Afghanistan. At that time, I also expressed my displeasure with the majority's intention to bypass the Appropriations Committee in writing the supplemental appropriations bill.

Two weeks later, little appears to have changed. Little has changed, except that we are 2 weeks deeper into the fiscal year, and we are 2 weeks closer to the date when accounts that support our Armed Forces and our diplomatic corps begin to run dry.

The majority leader is apparently sanguine about the status of the supplemental because last Thursday, he said:

I think we'll do our best to finish this before the Memorial Day break, but if we don't, it's no big deal. There's money there.

The leader then went on to say:

I don't know why there is a rush to judgment. This is moving along quite rapidly. We're not behind schedule. Everything's fine.

Exactly what is ''moving along quite rapidly''? No markup of the supplemental has been officially scheduled in either the House or the Senate. There are continued reports of imminent action in the other body, but no bill has been introduced. No bill or report has been circulated to Senate committee members in anticipation of a markup. There is nothing for Members to look at, nothing for Members to consider or to draft amendments to.

A week ago, Republican members of the Appropriations Committee in the Senate wrote to Chairman BYRD to express our concern about the committee being bypassed entirely. I am pleased that the chairman concurred in the sentiments expressed in that letter and has stated his intention to hold a committee markup this week. I am certain that has been his preference all along.

In my memory, I cannot think of any instance where the committee did not mark up a supplemental such as this. I think the chairman has been fighting valiantly to maintain some semblance of regular order, but it is apparent he is meeting resistance from the joint leadership.

That is a shame. We should take advantage of the collective expertise and experience of the members of the Appropriations Committee and bring that knowledge to bear on the supplemental.

I am sorry to say it remains uncertain whether a markup will take place, and if a markup does occur, it remains uncertain whether the committee's work product will be considered by the full Senate.

In the House, it appears the committee will be bypassed altogether. Yet even with that step being skipped, there is still no definite schedule for House floor action. There apparently have been discussions by House and Senate staff in an effort to sort of ''precook'' agreements on the various chapters of the bill, but there has been little substantive involvement by the minority in those discussions. Very few Members have been involved at all, to my knowledge.

The fact is the Appropriations Committee could have marked up the supplemental several weeks ago, and the Senate likely could have passed the bill by now. We should be in conference with the House already and be well on our way to negotiating a conference report to be sent to the President. But instead, we wait. We wait for more closed-door meetings between and among the Democratic leaders. We wait for more rumors about what extraneous legislative matter is or is not part of the draft being compiled by the majority. And all but a handful of Members wait for an opportunity to shape the bill.

I am a member of the Committee on Agriculture and was appointed as a conferee on the farm bill. That conference has met at least seven times in recent weeks. There have been countless additional meetings among committee principals. It has been a grueling effort, it has been messy, and it remains uncertain whether the President will ultimately sign the conference report once it is presented to him. But we can be fairly confident that the conference report will at least reflect the collective will of Congress and it will be the process of a reasonably transparent process.

At this point, I cannot say that about the supplemental. Eventually, we will approve and the President will sign a supplemental bill. I am confident that ultimately we will not allow our Armed Forces and our diplomatic corps to go wanting for resources. My concern is that the majority's approach to the supplemental places political tactics and strategy ahead of the need for inclusive, timely, and transparent action.

Contrary to the majority leader's assertion, it is a big deal if we do not get this bill done by Memorial Day. It is a big deal, not because the U.S. Army will run out of ammunition on June 1 but because our inaction will represent an unnecessary and completely avoidable process failure on the part of the Congress. It will say to our Armed Forces that we are willing to draw out this process as long as possible, even though we know the likely outcome. We are willing to force the Department of Defense to issue advance furlough notices, delay contract awards, and make inefficient funding transfers in order to keep the money flowing—all because congressional leaders spent these last several weeks devising artful parliamentary schemes rather than simply advancing the bill through the committees, onto the House floor, onto the Senate floor, and into conference.

The April 28 edition of Roll Call included an article by Don Wolfensberger titled ''Have House-Senate Conferences Gone the Way of the Dodo?'' I commend that article to my colleagues and ask unanimous consent to have a copy printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. Wolfensberger reminds us of the promises made by the Senate leadership in 2006 as part of their ''honest leadership and open Government'' reform plank. Conference meetings were to be open to the public, and members of the conference committee were to have a public opportunity to vote on all amendments. Copies of conference reports were to be available to Members and posted publicly on the Internet 24 hours before consideration. Bills were to be developed following full hearings and open subcommittee and committee markups and were to come to the floor under procedures that allow open, full, and fair debate.

These practices have been followed in some cases. I mentioned the farm bill already as an example of a conference committee in action. But procedures governing the conference process and the markup process are only relevant if there actually is a conference committee or there actually is a committee markup.

As noted in Mr. Wolfensberger's article, the number of instances in which major legislation has been dealt with outside the conference process has increased markedly in this Congress. The supplemental appears destined to become another example. I gather that we are to receive the bill from the House in the form of three amendments to a dormant version of the fiscal year 2008 Military Construction appropriations bill. As I have already noted, it is not certain whether the Senate Appropriations Committee will act on some, all, or none of these amendments or whether the leader intends for there to be an opportunity for Senators to offer amendments on the floor. A conference committee appears out of the question.

It is not easy to be the Speaker of the House or the majority leader of the Senate. Individuals elected to those positions are subjected to enormous pressures. They are besieged constantly by colleagues, constituents, and outside interests with an array of often conflicting demands. In an effort to resolve those competing demands, it is

tempting to centralize decisionmaking, construct processes that minimize uncertainty, and generally try to eliminate the untidiness of the legislative process.

A handful of Members and staff are empowered at the expense of the rank and file in both bodies and, by extension, the people whom the rank and file represent. On occasion, such tactics are successful. But over time, these practices tend to become abusive and often result in a messier, more protracted process than would have been the case if more traditional procedures had been followed.

For the sake of our men and women in Iraq and Afghanistan, I hope the process the majority has chosen for the supplemental does not put us any further behind than we already are. But in the 2 weeks since I last came to the floor to speak about the supplemental, little has occurred to inspire such hope.

Our men and women in the field are waiting. We do need to finish this bill by the Memorial Day recess. It is a big deal.

EXHIBIT 1

[From Roll Call, Apr. 28, 2008]

HAVE HOUSE-SENATE CONFERENCES GONE THE WAY OF THE DODO?

(By Don Wolfensberger)

In June 2006, House and Senate Democratic leaders rolled out their ''New Direction for America,'' a campaign platform to take back control of Congress. The ''Honest Leadership and Open Government'' reform plank, at Page 22, included the promise to require that ''all [House-Senate] conference committee meetings be open to the public and that members of the conference committee have a public opportunity to vote on all amendments [in disagreement between the two houses].'' Moreover, copies of conference reports would be posted ''on the Internet 24 hours before consideration (unless waived by a supermajority vote).''

The minority Democrats' justifiable complaint was that majority Republicans often shut them out of conference committee deliberations after a single, perfunctory public meeting was held to minimally satisfy House rules (aka ''the photo op''). After that meeting, all that is necessary to file a conference report is the signatures of a majority of conferees from each house. No formal meeting or votes on final approval are required; nor does the majority even need to consult the minority before finalizing an agreement.

Once they took over Congress in January 2007, House Democrats abandoned their promises of public votes in conference meetings on amendments in disagreement and of 24-hour advance Internet availability of conference reports. Nevertheless, they did adopt some palliative House rules changes on the opening day of the 110th Congress that at least appear to move conference committees in the direction of a more deliberative and participatory public process.

The new rules require: (a) that all conferees be given notice of any conference meeting for the resolution of differences between the houses ''and a reasonable opportunity to attend''; (b) that all provisions in disagreement be ''considered as open to discussion at any meeting''; (c) that all conferees be provided ''a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not)'' by affixing their signatures; and (d) that no substantive change in the agreement be made after conferees have signed it.

The Parliamentarian's footnotes to the rules for conference reports indicate that the rules are not enforceable if all points of order are waived against the reports, as is routinely done by a special rule from the Rules Committee. Nevertheless, conference committee chairmen (or vice chairmen) could still be punished by the House adopting a question of privilege resolution for willful disregard of these modest requirements. This is because a blanket waiver of the rules only protects the conference report. It is not a retroactive pardon for malfeasance in the management of the conference.

Unfortunately, these well-intentioned new rules have no relevance when the bicameral majority leadership decides to bypass going to conference altogether, and instead negotiates final agreements behind closed doors. And this is happening with increasing frequency, sometimes even over the public protests of committee chairmen who have been excluded from leadership negotiations.

To determine just how serious the practice of bypassing conferences has become, I compared action on major bills through March of the second session in both this Democratic 110th Congress and the preceding Republican-controlled 109th. (A major bill is defined here as one originally considered under a special rule in the House.)

Of major bills approved by the House and Senate that required some action to resolve differences between the two versions, 11 out of 19 (58 percent) were settled by conferences in the current Congress compared with 18 out of 19 (95 percent) in the previous Congress.

Put another way, the current 110th Congress has been negotiating eight times as many bills as the 109th Congress outside the conference process. This is done by using the ''pingpong'' approach of bouncing amendments between the houses until a final agreement is achieved.

Among the major bills in this Congress that have bypassed conference consideration are the energy independence bill, State Children's Health Insurance Program, Iraq-Katrina supplemental appropriations, terrorism insurance, the consolidated appropriations act and the tax rebate/stimulus legislation.

While the conference bypass approach is just as legitimate under the rules as going to conference (and sometimes advisable when there are only minor differences to iron out), the procedure is more suspect when used on major bills on which numerous substantive disagreements exist between the houses. That is when House and Senate leaders are more likely to directly intervene, rendering committee chairmen less relevant to the process.

Senate minority Republicans are not entirely blameless in this development. At times they have brought pressures to avoid conferences, under threat of filibuster, in order to better ensure the retention of provisions in which they have a vested interest. However, House and Senate Democratic leaders have been just as culpable in wanting to skip conferences to produce outcomes most beneficial to their party.

While it is too early to declare House-Senate conferences as extinct as the dodo, it is not too early to move them onto the parliamentary endangered-species list. It is one more sign of the decline of the committee system and its attributes of deliberation and expertise. It is especially troubling because the lack of conference deliberations shuts out majority and minority Members alike from having a final say on important policy decisions. Party governance must be better balanced against participatory lawmaking. Both parties need to recognize this.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I come to the floor today in my capacity as the ranking member of the Senate aviation subcommittee. I would like to take a few minutes to discuss the Senate FAA reauthorization bill and the substitute on which we will be voting later this afternoon and respond to some of the recent remarks that have been made on this process.

The lack of progress last week and the parliamentary action of filling the amendment tree are very disappointing to me. Today, for the 19th time this session, we will be asked to vote on cloture on a bill we have not even had open to amendment. In the present situation, we are being asked to vote on cloture before we have cast a single vote on an amendment. What the leader is doing is blocking amendments, preventing debate, forcing a cloture vote, and hoping the Republicans vote against it. Then press releases will be sent out blaming Republicans for obstructionism. But I have to say, what is obstruction? I don't think most Americans would define obstruction as insisting that an FAA bill; that is, the Federal Aviation Administration, not include unnecessary and imprudent tax increases, even worse retroactive tax increases, unrelated to aviation.

I have suggested several options in an attempt to produce an FAA reauthorization package upon which most Members could agree. But those suggestions have been turned down by the other side. Unfortunately, this bill is being bogged down by trying to make it an omnibus tax and special projects package.

It is so important that we pass an aviation bill. That is why I have introduced S. 2972, which is currently at the desk.

I ask unanimous consent that Senator TED STEVENS be added as a cosponsor of S. 2972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the text of S. 2972 is identical to the substitute we worked on last week. It is the bill that came out of the Commerce Committee with complete bipartisanship, but it does not include the unrelated and extraneous tax provisions. It does have aviation taxes that came out of the Finance Committee to which all of us agreed. It does not have all of the other tax provisions that have nothing to do with aviation—some of which are retroactive—and have nothing to do with FAA.

I have also conveyed to my friends and colleagues on the Finance Committee that I am supportive of moving forward on a bill that would replenish the highway trust fund. I think we could all agree on that. But this is a workable FAA reauthorization bill, and it is very important to me because of

the important role of aviation in our country and in my home State.

In Texas alone, aviation accounts for nearly 60,000 jobs and over $8 billion in total economic output. In addition, we are also home to 2 of the top 10 busiest airports in the Nation. We have 23 commercial service airports and over 300 general aviation airports. Beyond infrastructure, we are also the proud home of two legacy airlines, American and Continental, and the home State of the predominant low-cost carrier Southwest. My State has a dynamic aviation footprint and a substantial interest in the future of this challenged industry.

Since the year 2000, the U.S. airline industry has gone through its most fundamental restructuring since Congress deregulated the industry in the late 1970s. We all know so well the horrific impact of 9/11 and what happened to the industry after that, and that is still affecting it today. Put on top of that the high fuel prices which are affecting aviation even more than regular gasoline at the pump and you have a situation in which we have an industry that is really teetering on the brink of disaster.

Since taking over as leader of the aviation subcommittee earlier this year, I have worked closely with my friend and colleague Senator JAY ROCKEFELLER. We have developed a bill upon which all of us agreed, with the complete support of Senator INOUYE, the chairman of the subcommittee, and Senator STEVENS, the vice chairman. We have worked hard to develop a package that would foster air traffic modernization, doing it without doing damage to the commercial airline industry and with the complete support of the general aviation community. We produced a bill that was bipartisan with the support of our committee.

Here are some of the important provisions in the bill we produced:

It has important safety and passenger protections. The U.S. commercial aviation industry is experiencing the safest year in our history. However, recent high-profile aviation safety incidents have given the public some concern. In response, the committee has crafted several new safety initiatives in the substitute, based on the recommendation of the Department of Transportation inspector general.

The new package ensures the FAA's voluntary disclosure reporting process requires inspectors to verify that the airlines actually took the corrective actions they stated they would, evaluate if an air carrier has offered a comprehensive solution before accepting the disclosure, and confirm that the corrective action is completed and adequately addresses the problem disclosed.

The bill implements a process for second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector.

It revises post-employment guidance to require a ''cooling off'' period of 2 years before an FAA inspector is hired at an air carrier he or she previously inspected. I personally would like to see that extended beyond 2 years to 3 or 4 years. If we had an amendment process, that would have been one of my amendments.

The bill implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections.

It establishes an independent review through the Government Accountability Office, the GAO, to review and investigate air safety issues identified by its employees.

It develops a national review team under the supervision of the Department of Transportation inspector general to conduct periodic reviews of FAA's oversight of air carriers.

It develops a plan for the reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process.

I am a former Vice Chairman of the National Transportation Safety Board. I understand the crucial mission of the FAA in overseeing the Nation's airlines and aviation system.

Aviation safety and the public trust that goes along with it is the bedrock of our national aviation policy. We cannot allow the degradation of service to the flying public.

I believe the bill we crafted in the Commerce Committee that is part of the substitute that I would agree with today, and all that is in the bill I have introduced but without the extraneous provisions that have nothing to do with aviation.

The other part of the bill that is in what the Commerce Committee produced and is in my substitute as well is the timely issue of consumer protections or a passenger bill of rights. The substitute includes several crucial reforms directed at making the airlines more accountable and responsive to passengers.

The managers' amendment would incorporate several additional protections to strengthen airline service requirements. The DOT would review and approve the contingency service plans of every air carrier. The Secretary could disapprove an airline's plan and return it to the carrier with the option for modification and resubmittal, and the DOT then would be authorized to establish minimum standards for such contingency plans. It would require a mandate that such contingency plans are to apply to aircraft that are delayed, whether on departure or arrival.

Now, we have all heard stories about people who have been stranded on airplanes for 5 hours without any food service, without the opportunity to use the facilities.

That is cruel and unusual punishment. I myself have been on airplanes that have been delayed 2 hours and more, and I know it is very uncomfortable for passengers. That is why we included in this bill requirements that airlines either have a plan that is approved by the Department of Transportation or there would be a 3-hour maximum or the passengers could get off; the establishment of an Advisory Committee for Aviation Consumer Protection would also be put in this bill.

It would advise the Department of Transportation on carrying out air service improvements and what would be necessary to make them better. The committee would be comprised of four members to be appointed by the Secretary with a requirement to report to Congress annually over a 2-year period on its recommendations to the Department of Transportation to improve this service and an explanation of the Department's action on each of the recommendations.

So these are some of the important provisions in the Commerce Committee bill. They are in the bill that would be before us, and they would be in the bill I would like to see us pass that I have introduced and is being held at the desk.

The substitute also addresses rural air service funding challenges by including additional funding for the Essential Air Service Program for our smaller underserved communities at $175 million annually. These funds would go a long way toward improving access for our most rural communities, communities that had air service, commercial air service, in the past but lost that after deregulation.

As I stated last week, I hope my colleagues will appreciate the months of stalled negotiations that took place in trying to move this legislation forward. There is a very good balance in the Senate bill regarding FAA financing and labor-related provisions. If the Senate wants a final bill, we need to preserve that balance without including highly controversial unrelated provisions that many people would agree do not belong in an FAA bill dealing with aviation.

We have an opportunity to pass FAA legislation this week. The bill I have introduced with Senator STEVENS would be everything the Commerce Committee passed on a bipartisan basis and the provisions of the Finance Committee report on aviation taxes that would go toward modernization.

It does not include the controversial pension provision that changes the previous law this Congress has passed and affects some of our airlines in a way that could be so destructive as to possibly bring that air carrier down. It does not include all the taxes that were put in, all the projects, all the earmarks that have nothing to do with aviation.

It is simply the Senate bipartisan bill on aviation and the Finance Committee package that deals with aviation. We could pass this bill and send it to the President and the President would sign this bill. He would sign the bill Senator STEVENS and I have put

forward. He will not sign the bill that would be put forward by my distinguished colleague, Senator ROCKEFELLER.

There are provisions of that bill that would not allow this bill to go forward at all, period, because there are policy matters unrelated to aviation that more than 41 people in this Senate will object to putting on an aviation bill.

So I think we have a way forward. I have introduced a bill that I believe could get the majority of the votes in the Senate. It would be signed by the President, and it would do all that I have mentioned relating to aviation safety improvements, passenger bill of rights, it would modernize our air traffic control system, it would keep the balance in the system we all agree we should have between air carriers and commercial airports, general aviation and general aviation airports.

It is a good bill. We have a way forward. We have made agreements we can all agree would push the bill forward. But the substitute we are going to vote cloture on without the process of amendments being open is not that bill. There is no reason for the Commerce Committee bill on aviation to take on all these taxes and special interest projects that have nothing to do with aviation.

If those projects can stand on their own, let's vote on those projects alone. The Finance Committee has many vehicles on which they can put their legislation. But to try to put nonaviation taxes on an aviation bill is going to bring this bill down.

I hope we will not allow that to happen. We will vote no on cloture. Cloture probably will not be given because it is not an aviation bill we are going to be voting on. But we have an aviation bill. Let's vote on that one. Let's vote on the bipartisan bill from the Commerce Committee and the taxes from the Finance Committee that relate to aviation and let's move forward. I think we can do it.

This is the Senate. We can work on a bipartisan basis. My colleagues, Senator ROCKEFELLER and I and Senator INOUYE and Senator STEVENS and the members of our committee have done an incredibly good job of bringing that balance together. So I hope we will not waste that effort and that we will be able to put up as one of the accomplishments of this session of Congress an FAA reauthorization bill that modernized our system, that created a passenger bill of rights, that created a safety program that further enhanced a good program, that included war risk insurance, a bill that balances all the aviation interests of our country, which are so important to our economic viability.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. What is the situation parliamentarywise?

The PRESIDING OFFICER. H.R. 2881 is pending, with amendments.

Mr. STEVENS. Is there any time agreement at the present time?

The PRESIDING OFFICER. There is a vote scheduled at 2:30.

Mr. STEVENS. Are we still in morning business?

The PRESIDING OFFICER. We are on the bill, not in morning business.

Mr. STEVENS. I thank the Chair.

TRIBUTE TO LEW WILLIAMS, JR.

Our young State, Alaska, this past weekend lost one of our greatest 20th century pioneers when Lew Williams, Jr., the publisher emeritus of the Ketchikan Daily News, died while vacationing in Scottsdale, AZ.

Through his six decades in Alaska journalism, Lew brought news to much of southeast Alaska through a series of newspapers which he edited and owned. Five southeast Alaska towns were home to Lew Williams. Juneau was the first, when, as an 11-year-old boy, he delivered the Empire, the paper on which his dad was a reporter. Wrangell was next. His dad was the new editor-owner of the Wrangell Sentinel, and Lew became his 15-year-old apprentice. Later, after Navy service in World War II, Lew bought the paper from his father. Next the beautiful town of Petersburg, AK, claimed Lew when he and his bride Dorothy bought the Petersburg Press. From that time on, Dorothy remained his partner in newspapering, along with helping Lew to set the path that has been followed by his own three children.

In 1966, Lew took over the editorship of the Ketchikan Daily News and, a decade later, he and Dorothy bought that paper, settling in for the long run and spending the rest of his life in Ketchikan.

When the Daily Sitka Sentinel fell on hard times after major mechanical problems and a fire in 1969, Lew offered assistance to the beleaguered owners. That assistance turned into ownership of that paper also. But in 1975, he sold the Sentinel to the Poulsons, a young couple who had been hired to be editors. Thad Poulson was a former reporter in Juneau and an AP representative in Juneau. He remains with the Sitka paper today.

Despite his close ties to these five towns in our State's beautiful southeastern panhandle, Lew was truly a man for all of Alaska.

He was one of my close friends, and I mourn his passing.

Early in the 1950s, when the larger southeast daily newspapers were against Alaska statehood, Lew Williams joined the small weeklies in our fight to become the 49th State. The concerns that faced Alaska as a territory, and later as a State, Lew adopted as his concerns. No matter where the problem was in our 586,000 square miles, Lew Williams became acquainted with it and tried to do something about the problem. Whether the issue was minerals or timber, fisheries or lands, hundreds of other matters, Lew wrote clearly and forcefully in his paper, as editor, to help his readers understand the solutions he believed were best for all Alaska and Alaskans.

Critics who may have disagreed with his stand on any issue were unanimous in their praise for his writings. His columns were carried in papers throughout our State and many throughout the Nation, and they have continued to run, until a few weeks ago, in what we call Anchorage's Voice of the Times which is printed as an op-ed in the Anchorage Daily News.

Although Lew's paper, the Ketchikan Daily News, is the smallest daily in Alaska, with a weekend edition also, Lew was in the forefront when it came to technology. He beat out what we call ''the big boys'' in the larger towns when he was the first to offer offset printing and color and among the first with newsroom computers. Along the way, Lew collected dozens of honors for his papers throughout the Nation and for his community service. He served on boards ranging from the chambers of commerce to fish and game advisory boards, school boards, and the Rotary. He was appointed to the board of regents of our University of Alaska. He was a member of the blue ribbon task force for the Alaska National Interest Public Lands Act—we call it ANILCA—which was passed in 1908, and he served on the Alaska Judicial Council and the board of governors of the Alaska Bar Association, although he was not a lawyer.

And ''there's more,'' as the television commercial says. Lew founded the Alaska Newspaper Association. He was named businessman of the year for Alaska a few years ago. He founded the Southeast Alaska Conference and for 29 years was an adult leader of Boy Scouts.

These honors pale beside Lew's greatest gift to our State, and that is his three children who grew up in newspaper offices. What a tribute to their dad that they adopted his profession and are carrying it on. Lew III, Tena, and Kathy, his children, accepted the reins from their dad in 1990. But he still remained in that office and he gave his time to finish writing and editing a 700-page book called ''Bent Pins and Chains,'' a history of Alaska through its newspapers. He had begun this with the late historian wife of the publisher of the Anchorage Times, Evangeline Atwood, for anyone who is interested in Alaska. Alaskans are fortunate that the vibrant Williams younger generation carries on Lew Williams' commitment to good reporting, fine writing, dedication to community service, and making Alaska the greatest place in the United States to live.

Those of us who knew Lew Williams, who shared opinions and laughs and

disappointments and triumphs and many wonderful days, are among the luckiest of Alaskans. I always looked up Lew Williams when I was in Ketchikan, and he always had some news and advice for me. I usually followed it.

We do have the knowledge we could not have had delivered to us through a better, more loyal friend. I have to say, it is tough to lose a friend like Lew. The joy he brought to my life and to my family's life and to so many others cannot be measured in a statement of this kind. I tell the Senate that everyone makes a statement like this. Not often do we make a statement pertaining to someone who had so much to do with our lives and what we have done. When I first decided to run for the Senate, I went to Ketchikan to talk to Lew Williams to see if he agreed. That was back in 1962. I have known Lew Williams and Dorothy and the children for a long time. Catherine and I send our love and deepest sympathy. We know our friend and their loved one is gone, but he will not be forgotten by any of us.

I ask unanimous consent that recent editorials and comments about my friend Lew Williams be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWSMAN LEW WILLIAMS JR. DIES AT 83

KETCHIKAN.—Ketchikan Daily News publisher emeritus Llewellyn ''Lew'' M. Williams, Jr., 83, died Saturday in Scottsdale, Ariz.

Williams was a pioneer Alaska journalist, active in newspaper, state and local affairs for more than 60 years. He died while vacationing in Arizona, four days after he had been due to return home to Ketchikan.

He and his wife, Dorothy, published newspapers in Wrangell, Petersburg, Sitka and Ketchikan.

They were the first to switch an Alaska newspaper from the hot-type method of printing to photo offset, which later became used universally in the industry.

They were the first to switch an Alaska afternoon daily newspaper to morning publication. They created a successful weekend edition for the Ketchikan Daily News while other small dailies in Alaska remained five-day publications. The Williamses were Alaska pioneers in adapting electronics to newspaper production.

In 1965, Lew Williams was a founder of the Alaska Newspaper Publishers' Association, forerunner to today's Alaska Newspaper Association. He served terms as president of each organization and served a term as director of the regional Allied Daily Newspaper Association.

The Williamses purchased the Ketchikan Daily News from the Paul S. Charles family in 1976, after managing the newspaper for 10 years. They sold their interest to their children, Lew III, Kathy and Tena Williams, after Williams retired as publisher in 1990.

Williams was born in Spokane, Wash., Nov. 26, 1924, to Lew M. Williams Sr. and Winifred (Dow) Williams, who met while both were reporters for Tacoma newspapers. The Williams family moved to Juneau in 1935, where the elder Williams worked for the Juneau Empire. In 1939, the senior Williamses purchased the Wrangell Sentinel.

After serving as a sergeant in the paratroops in World War II, Lew Jr. ran the Sentinel for the family. He married Dorothy M. Baum in Mitchell, Neb., on July 2, 1954.

The couple purchased the Petersburg Press and acquired the Wrangell Sentinel from the senior Williamses when they retired.

They sold both newspapers to Alaska Airlines President Charles Willis, and bought the Daily Sitka Sentinel and an interest in the Ketchikan Daily News. They sold the Sitka paper to Thad and Sandy Paulson to concentrate on publishing the Ketchikan paper when they bought out the Charleses. Although the Petersburg Press was suspended after he sold it, Lew Williams helped the Petersburg Pilot get started. All newspapers he and his wife ran were successful businesses and community leaders.

Williams was a lifetime member of Petersburg Elks Lodge No. 1615, the American Legion and Pioneers of Alaska.

Williams served on the Wrangell School Board, as mayor of Petersburg and on numerous state boards, among them the Alaska Judicial Council, the Board of Governors of the Alaska Bar Association and the Board of Regents of the University of Alaska. He served on boards under every state governor through 1999. He served three years as the first secretary of the Petersburg Fish and Game Advisory Board when Alaska took control of fish and game with statehood.

He was a past president of Rotary, served 29 years as an adult leader in the Boy Scout program, and was active in Democratic Party politics when Bill Egan was governor. For his public service, he was awarded an honorary doctorate of humanities by the University of Alaska Southeast.

As a writer, Williams was noted for his strong editorials and weekly columns. He continued writing his column, ''End of the Week,'' up until his death, and occasionally contributed editorials. He continued to provide background material to Daily News editorial writers, because of his lengthy service in and extensive knowledge of public affairs. His advice was sought not only by reporters and editors at the newspaper, but also by municipal and state leaders.

In 2006, he published ''Bent Pins to Chains: Alaska and its newspapers,'' a book he wrote with the late Evangeline Atwood that is described on its dust jacket as ''a journalism course, including a history of Alaska under the American flag.''

He believed the editorial was the heart and strength of any newspaper. He editorialized for Alaska statehood, for creation of the state ferry system, for the trans-Alaska pipeline, for power development, in support of the timber and fishing industries, and for airports, harbors and roads.

As a community booster, he was active in chambers of commerce and was a founder and first secretary of the regional Southeast Conference. He was named Citizen of the Year by both the state chamber and the Greater Ketchikan Chamber of Commerce in the early 1980s, and named Alaskan of the Year in 1991 by the nonprofit Alaskan of the Year organization, based in Anchorage.

Williams was a dedicated family man, who in his early days enjoyed hunting and fishing on the Stikine River. After retirement, he liked to vacation with family in Arizona.

He is survived by his wife, Dorothy; daughters, Christena and Kathryn; son, Lew III and daughter-in-law, Vicki; granddaughters, Kristie, Jodi and Melissa Williams; and great-grandson, Milan Browne, all of Ketchikan; sisters, Susan Pagenkopf of Juneau and Jane Ferguson of California; and by cousins in Alaska and Washington.

At his request, no service is scheduled. Messinger Mortuaries of Scottsdale is in charge of cremation.

The family suggests memorials to the First City Council on Cancer.

AN ALASKAN ORIGINAL DIES IN SCOTTSDALE

The Voice of The Times lost a great friend and favorite columnist on Saturday when Ketchikan newsman Lew M. Williams Jr., died at 83 in Scottsdale, Ariz., his vacation home.

Lew was the retired publisher of the Ketchikan Daily News and active in journalism and Alaska's civic life for more than 60 years. He worked on various newspaper jobs as a youth and began his journalism career on a full-time basis after service as a paratrooper sergeant in World War II.

He first ran the Wrangell Sentinel for his family, worked at the Sitka Sentinel and the old Petersburg Press, and managed the Ketchikan Daily News for 10 years before buying it in 1976. His daughter, Tena, is now the Ketchikan publisher, taking over when he retired.

He was a principal author of ''Bent Pins to Chains,'' a comprehensive history of the newspaper business in Alaska. He researched and wrote the book after taking over the original research done by the late Evangeline Atwood, who was an Alaska historian and widow of Robert B. Atwood, publisher of The Anchorage Times and another giant of Alaska journalism.

Most long-time Alaska journalists knew him and many can recount personal experiences with him. Most will testify to the friendly and helpful attitude he had toward others in the profession.

Lew's death was unexpected and came after sending an e-mail in late April saying he wouldn't be writing columns for a while because he had the flu. His wife, Dorothy, insisted he see a doctor and they learned just a week before his death that it was cancer.

His family gathered in Scottsdale and he was apparently comfortable until the end. By one account he was still tracking the stock market during his last week. With his inquiring and untiring mind, that would be no surprise.

Lew's list of good friends includes Sen. Ted Stevens, who is preparing a tribute to him for delivery on the floor of the U.S. Senate on Tuesday.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding that the Federal Aviation Administration reauthorization is the pending business before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I thank the Chair.

Mr. President, this is a bipartisan bill that Senator ROCKEFELLER of West Virginia, Senator HUTCHISON of Texas, and many others worked on very long and hard. We voted unanimously to go forward with this bill last week. This is long overdue. It is to modernize the air traffic control system, to establish a basic set of rights for airline passengers, and so many other things that are included in this bill, to move the technology of air traffic control forward so America can be on the same page as many other developed nations that have found more efficient, safer ways to guide aircraft. You would think that sort of thing would be nonpartisan when it came to the floor of the Senate. I am sorry to say we haven't had much luck.

If Senators were paid by the vote, last week we would have been on short rations. We had one vote last week. We all came out and ceremoniously showed

up one time on the floor of the Senate to vote and leave.

I kind of thought when I ran for the Senate there was something involved such as debate, deliberation, that Senators would come forward and offer amendments, and other Senators who disagreed might debate those amendments and maybe even offer an amendment of their own. It is like the Senate was once portrayed in the movies. That is the Senate of ''Mr. Smith Goes to Washington'' and so many other great depictions of Senate activity. But not this Senate; we are in a different mode. We are in the filibuster mode, imposed on us by the Republican minority.

In the history of the Senate, looking back over 200 years, the maximum number of filibusters in any 2-year period is 57. That is an easy number to remember. Now, unfortunately, in this Senate session, as we go into the second year, the Republican minority has broken that record. We have now had 69 filibusters, and we are not even halfway through this year. Some speculate there will be over 100 filibusters before this session comes to an end.

That is unfortunate because a filibuster basically means the Senate stops. Any Member can stand up, object, and stop the Senate. Then it takes a motion to be filed and some 30 hours to pass before you vote on that motion and start up again, if you are lucky enough to get 60 votes. The Republican minority knows this. So time and time and time again they have started filibusters and caused us to file motions for cloture to try to get to an issue.

Now, for an outsider watching the Senate, they might say: What difference does it make? Why don't you all get over it and try to get something done? Well, unfortunately, we are not having any luck at that. The Republican minority has now reached new heights—or new depths—depending on your point of view when it comes to applying the filibuster.

We have a technical corrections bill that comes around once in a while when we have drafting errors in bills, and we have to change the spelling and grammar. We had a big highway bill. It was a huge bill. Then, over time, people looked at it and said: Wait a minute, that shouldn't have said ''road,'' it should have said ''avenue.'' The spelling is wrong or the punctuation. Let's put these technical corrections in. The Republicans filibustered the bill—a bill such as that they filibustered.

One of the Republican Senators got up on the floor and said: Well, there were some things in there we objected to. Well, the way it works—at least by most tradition in the Senate—is if you object to something, you file a motion to strike that section. You debate it. There is a vote. The Senate moves to the next consideration. That is the orderly process but not the approach being used by the Republican minority. Their approach: Initiate a filibuster. Tie up the Senate. Make us burn 30 hours doing nothing, with as few votes, as few amendments, as few bills as possible. Why? Well, several reasons.

First, they like the world as it currently exists. They do not believe improving aviation safety is worth the effort on the floor to try to work together. Time and again, they have stopped efforts in progress because they do not want us to have, I guess, a record to point to that shows we have achieved something.

Finally, they are afraid of controversial votes. I had the good fortune, many years ago, to serve with a Congressman from Oklahoma named Mike Synar. Mike Synar was a real character. He was a throwback. He invited controversy. He welcomed it, and it eventually did him in. He lost a Democratic primary. He managed to anger enough people that it did not work. But he was a character. He used to say: If you don't want to fight fire, don't be a firefighter. If you don't want to vote on controversial issues, don't run for the House or, I might add, the Senate.

Unfortunately, on the Republican side, they do not want to vote on anything, and they do not want to face anything that might be controversial. So they file filibuster after filibuster.

So we had hoped last week this bill, the Federal Aviation Administration bill, would be different—modernizing air traffic control, making our skies safer, making sure our planes are well inspected. That seems to me to be an issue that is not a Republican or Democratic issue.

So last week, the majority leader, HARRY REID of Nevada, came to the floor and said to the Republican side: If you have amendments, let's see them and let's get going. Let's start dealing with those amendments. If they relate to the Federal Aviation Administration, let's bring them up, let's debate them, let's vote on them.

We had hoped, since we had this ''exhausting'' week last week, where we voted one time, that maybe the Republicans would have time to come up with a list of amendments they wanted to come forward with. But I am afraid the majority leader's invitation to offer amendments was declined by the other side, and here we are stuck in the middle of another filibuster.

They tell us what is haunting them is a project in this bill that relates to the city of New York. My colleague and friend, Senator CHUCK SCHUMER, and Senator CLINTON, are pushing for something in New York which they feel the President has promised. In fact, the President included it in his budget.

Some Republican Senators do not like it. They do not want it in there. Well, they certainly have the right to offer to strike it. We give them that opportunity. But because this lingering resistance to the bill is there, they will not let us move forward.

I was optimistic that maybe after a long weekend we could finally make some progress, that the Republican Members would come forward, offer some amendments, and start to debate the bill. Well, the weekend is over and we are in Tuesday of this week and nothing is happening. That is regrettable.

There is a portion of this bill that was in the original substitute which has now been removed, which I thought we put behind us last week. It was a measure related to airline pensions. I assumed at some point we would revisit it. I was surprised when my good friend, the ranking member of the Senate Finance Committee, Senator GRASSLEY of Iowa, took to the floor earlier today to reopen the debate.

Senator GRASSLEY said a provision in the original substitute amendment last week would have in some way corrected a provision I had supposedly, in his words, ''airdropped'' into a conference report last year, as a result of smoky, backroom dealing and that the Finance Committee was trying to right a wrong.

I would like to set the record straight. I do like CHUCK GRASSLEY. I respect him. We have worked on things together. We come from adjoining States. We have been traveling on airplanes together for 20 years-plus. There are times when we do see eye to eye and work very closely. His leadership on a bipartisan basis on the Children's Health Insurance Program was one of the better moments in this Congress. But on this particular one, I have to say I think Senator GRASSLEY is wrong.

Why would we be debating airline pensions or why should people care? If you work for an airline, of course you care. But when you take a look at, overall, what is going on here in America, I think everybody can understand what we are up against.

On this chart is a list of airlines which declared bankruptcy recently: Frontier, 6,000 employees out of work; ATA, 2,230 employees out of work; Skybus, 450 employees; Aloha, 1,900 employees; EOS, 450 employees.

This is an alarming trend, as more airlines declare bankruptcy and people lose their jobs.

Also, many of these people have lost at least some measure of security when it comes to their retirement. So when we talk about airline pensions in today's climate, where our economy has slowed to a crawl, we can understand why this is an issue which we should handle very carefully.

In considering the Pension Protection Act of 2005, the original Senate bill provided near parity for airlines. What we were trying to do in this country was to say to companies all across the board: You promised your employees when they came to work for you, if they worked long enough, they could retire and have a pension. Keep your word. Make sure there are enough funds set aside so you can fund their pensions when they retire.

So we got into this debate and realized for most companies in America certain standards would work, but in one industry—the airline industry—it

was a little more difficult because they were struggling. After 9/11, many airlines went into bankruptcy, many were on the edge of bankruptcy, and most were barely getting by. So we created a provision in the bill in how we dealt with airlines when we talked about this Pension Protection Act.

The original bill provided near parity for all airlines, giving all carriers 14 years to catch up in underfunding in their defined benefit pensions. The Senate passed an amendment by voice vote—Senator ISAKSON offered it—that would have provided even more benefits to the airline industry in the way they funded their pensions—again maintaining something close to parity among airlines. We knew we had an industry that was in a delicate situation. We wanted to protect their employees. We did not want to go too far, too fast. The Isakson amendment gave us a way most of us felt was reasonable.

When the conference report for the bill was finalized, the near equality for the airlines was destroyed. In its place, there was a huge disparity in the funding rules for some airlines compared to the rules that even the airlines they competed against had to follow. The conference committee had changed the will and decision of the Senate and decided to pick winners and losers among airlines.

It was interesting, as soon as that came back, there was a lot of floor activity and floor debate and colloquy among Senators about that provision. For example, Senator KENNEDY came to the floor and said:

> Quite frankly, I was disappointed that we didn't treat American and Continental Airlines more fairly in the final recommendations. Without moving ahead at this time on the pension legislation, we have the prospects of one of the major airlines dropping their pension program, with more than 150,000 workers losing their pensions.

You see, that is what the issue came down to. As airlines were facing tough times, some went into bankruptcy, and the first casualty in the bankruptcy was their pension plan. Historically, many companies in America offered a defined benefit pension plan, which meant if you worked a certain number of years and contributed, when you retired, you knew what you would receive in a pension. It was defined: how much each month, whether a cost of living adjustment would apply.

As airlines went into bankruptcy, that was one of the first casualties. They said: We can no longer accept that responsibility for future retirees. We are going to go into a defined contribution plan, known as 401(k)s and similar tax models in order to fund their future pensions. That limited the contribution of the company and left some uncertainty for the employee in retirement. But that was what happened. As airlines went into bankruptcy, the defined benefit pension plans fell by the wayside and the defined contribution plans took their place.

When all the smoke had cleared, there were five airlines that maintained their original basic defined benefit pension plans: American Airlines; Continental; Hawaiian; Alaskan; and Piedmont, which was assumed by US Airways. So these were companies that avoided bankruptcy and said: We are going to try to keep our airlines competitive. We are not going to dump the pension plans of our employees, and we are going to try to hang on. I think those companies did a brave thing and the right thing and the best thing for their employees.

Unfortunately, when it came to the law being passed by Congress, we gave better treatment to those airlines that went into bankruptcy and basically froze their pension plans and would not allow others to come into them. So it was a decision in that conference report which favored some airlines over others.

Senator ENZI spoke to this provision when he said on the floor:

> I am a little disappointed in the language from the House bill because it fails to treat all the legacy airlines equally. . . . The Senate bill gave amortization extensions to all four legacy airlines . . . but under the House bill, frozen plans receive 17 years to amortize their plan debt and an interest rate of 8.85 percent. . . . I prefer the language of the Senate passed bill. . . . I am very sorry that the House did not see fit to accept the Senate language, as it was the result of many and long negotiations.

I had made a statement on the floor as well.

Senator HUTCHISON of Texas addressed the then-majority leader, Bill Frist, a Republican of Tennessee, and said: I hope you know we are going to basically return to this. We can't leave it where some airlines are treated more favorably than others. It creates a competitive advantage in a very competitive marketplace. Senator HUTCHISON spoke for many of us when she said that.

Before the majority leader could even respond to her, other Senators, such as Senators VOINOVICH, CORNYN, and INHOFE, joined in, in support of Senator HUTCHISON.

Senator Frist, the then-Republican majority leader, said:

> . . . I can promise the Senators that I will continue to work with them on this issue after we return from the August recess.

Now fast forward to the middle of 2007 and nothing had been done. So Senator HUTCHISON and I took a small step to improve the situation by adding language to a supplemental appropriations bill that gave the airlines left behind in the original bill a bit more fairness in the rules.

I am troubled when my friend, Senator GRASSLEY, characterizes this as ''dark of the night activity.'' There was fair warning that the original pension bill did not solve the problem and created some real fundamental unfairness, fair warning that many Senators on both sides of the aisle wanted to revisit this issue. So it does not strike me as some underhanded or backroom deal. We let Senator GRASSLEY and all other Senators know this was an unresolved issue. Well, they came back this year and wanted to change the rules again, penalizing even more airlines, such as American Airlines that had avoided bankruptcy, was paying into their defined benefit plans, and had funded their pension plans well beyond 100 percent. American Airlines, for example, has funded their pension plan to the level of 115 percent. So even in a tough economy they are able to do this.

Now, we have warned Senator GRASSLEY and others if they are not careful, we could find other airlines facing bankruptcy. It is pretty common knowledge what is going on. This chart shows what has happened to airline losses in the first quarter of this year. Delta has lost $274 million; American Airlines, $328 million; and United, $537 million. United, my hometown airline in Chicago, announced they may have to lay off 1,000 people because of its losses.

Where do these losses come from? Well, it comes from the cost of jet fuel, as this chart shows. Airlines struggling with fierce competition now have jet fuel costs spiking, as we can see, at a time when they are struggling to survive, and these jet fuel costs are coming right off the bottom line. So as motorists are angry about gasoline prices and truckers are angry about diesel costs, airlines facing jet fuel costs are showing record losses as we go into this.

I make this part of the RECORD because it is fair warning to all of us to be very careful when we are changing the law as related to airlines. It might not take much to push some over the edge into bankruptcy. I don't think America and its economy will be stronger if we have fewer airlines. I think it is far better for us to move toward equitable treatment of all airlines and some sensitivity to the economic realities they face.

As of last week, we removed this contentious provision from the bill. As I said, I was a little surprised that Senator GRASSLEY wanted to revisit this issue again today, but I feel just as strongly this week as I did last week. I think what the committee had proposed would have been fundamentally unfair and would have created a hardship on many of these airlines that are struggling to survive.

In just a short time now the Senate will vote on a cloture vote as a result of the 69th Republican Senate filibuster of this session, a recordbreaking number of efforts to slow down and stop legislation—even this bill, a bill to reauthorize the Federal Aviation Administration. One would think this bill would rise above the partisan divisions in this Chamber. But last week, or the week before, we even had a filibuster—a Republican filibuster—of a veterans health benefits program. So it appears they are going to filibuster everything that is moving or everything that tries to move on the floor of the Senate.

I see Senator ROCKEFELLER has returned. As chairman of the aviation subcommittee, he has done a great job on this bill. I am certainly going to support his efforts. I think they will move us forward in the world of airline safety.

If there is no one else seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as I think everyone on this side of the aisle has made perfectly clear, we do not oppose moving forward with an FAA modernization bill. In fact, we would be more than happy to move forward on the aviation provisions of the Commerce Committee and Finance Committee titles of the bill that are on the Senate floor.

The ranking member of the Aviation Subcommittee, Senator HUTCHISON, has been on the Senate floor for a week flagging the extraneous, nonaviation-related provisions in the Finance Committee package as a problem. She has called repeatedly on the majority bill manager to join her in seeking to remove these extraneous controversial provisions and move forward with a clean FAA bill. Unfortunately, the majority has not accepted her offer to date, and so we find ourselves in a stalemate. I think this is unfortunate and unnecessary. But there is a way to pass this bill in a bipartisan way if our colleagues will only take yes for an answer.

So bearing that in mind, I have indicated to the other side that I would propose a unanimous consent agreement.

I now ask unanimous consent that the Senate proceed to the immediate consideration of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Mr. President, reserving the right to object, I would ask the Senator to modify his request and include an amendment which includes all of the provisions of my pending amendment.

Mr. MCCONNELL. Reserving the right to object, I assume that would put us right back in the same place we are now. I will not restate what I said earlier. But it was my hope, following the advice of the senior Senator from Texas, and our expert on this issue, that we would simply take up and pass those portions of the bill that seemed to be noncontroversial.

The proposal of the Senator from West Virginia puts the controversial measure back before us, upon which we will have the cloture vote shortly. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Will the minority leader yield for a question?

Mr. MCCONNELL. I yield the floor.

Mr. DURBIN. Mr. President, at the risk of asking someone on the Republican side, isn't there such a thing as a motion to strike? Could we not bring this bill up and you could move to strike the provisions you don't like, and we could have a debate on the floor and actually have a vote and actually get this bill moving forward? Isn't that where we were last week when this ground to a halt and nothing has changed? What is wrong with, if you don't like a provision of the bill, moving to strike it? I ask that question through the Chair if any Republican is willing to respond.

The PRESIDING OFFICER. The Senate is to proceed to a vote at 2:30.

Mrs. HUTCHISON. Mr. President, I am happy to go to the vote. But the problem is we don't have the opportunity to amend and strike. That has been taken away from us by the majority. The bottom line is we should go to a vote, reject this bill, and we should go back to the drawing board with the Commerce Committee, to a bipartisan bill for FAA reauthorization.

Thank you.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4627 to H.R. 2881, the FAA reauthorization.

Harry Reid, Jay Rockefeller, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Tom Carper, Amy Klobuchar, Sheldon Whitehouse, E. Benjamin Nelson, Dick Durbin, Blanche L. Lincoln, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4627 to H.R. 2881, the FAA reauthorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—49

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Roberts
Brown	Kerry	Rockefeller
Brownback	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	
Feingold	Murray	

NAYS—42

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Barrasso	Domenici	Reid
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Bunning	Graham	Smith
Chambliss	Grassley	Specter
Coburn	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Thune
Collins	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Warner
Crapo	Martinez	Wicker

NOT VOTING—9

Bayh	Craig	Landrieu
Burr	Hagel	McCain
Clinton	Inhofe	Obama

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Rockefeller substitute amendment No. 4627.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous that the cloture motion on H.R. 2881 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish today to urge my colleagues to support the Rockefeller substitute to H.R. 2881, the Aviation Investment and Modernization Act. Aviation is a central element of our globalized economy. The United States is the world's leader in aviation, and if we are to maintain this position, we must invest the proper resources.

I wish to congratulate Senator ROCKEFELLER for bringing together diverse interests and crafting a measure that will bolster oversight of the Federal Aviation Administration's, FAA, safety system, provide guaranteed funding to modernize the air traffic

control system, strengthen passenger protections, and fund air service to small communities throughout the Nation.

I am very proud of the efforts of Senator ROCKEFELLER and the members of the Senate Commerce Committee. The Commerce Committee provisions in the substitute before us represent a well-crafted effort that enjoys bipartisan support.

The substitute before us represents a rare opportunity to significantly shape the future of the national air transportation system, and therefore, ensure our standing will remain at the forefront of the aviation industry.

The actions we take to reauthorize the FAA will affect the public for decades to come. Legislation to reauthorize the FAA is long overdue, and it is vital that we pass this bill that addresses the challenges facing our Nation's aviation system. We must ensure that the national airspace system continues to serve the public effectively, and at the same time, we must move forward aggressively with modernization to make certain we do not inhibit our economic growth.

The Nation's existing air transportation system is already stretched to its limits. Current passenger traffic has exceeded all previous records and is expected to exceed 1 billion passengers per year within the next decade.

To accommodate this growth in a safe and cost-effective manner, we must increase capacity by expanding our airports, modernizing our air traffic control, ATC, system, and most importantly, ensuring the FAA has the resources and staffing required to provide effective oversight of the most complicated airspace system in the world.

Recent events highlight the cracks developing in our air transportation system. Domestic air carriers are being crippled by the high price of fuel. Seven airlines have declared bankruptcy since the beginning of the year, and early reports indicate the industry has lost billions of dollars in the first quarter of this year alone.

Most disturbing, however, are the lapses in the FAA's safety oversight system that have been recently highlighted. Over the past few months, air carriers cancelled thousands of flights, leaving passengers stranded after the FAA belatedly discovered air carriers had not performed required safety inspections. Congress must take the necessary steps to ensure that the safety of the U.S. aviation system is never compromised.

With our Nation's aviation system at a critical juncture, I urge my fellow Members to close debate on the Rockefeller substitute and adopt this important legislation.

Mr. INHOFE. Mr. President, as one of the Senate's commercially licensed pilots, I wish to talk about an issue near to my heart—flying. As many in this Chamber know, I have flown thousands of hours, I attend the well-known AirVenture aviation event in Oshkosh, WI, every year, and I have even recreated Wiley Post's trip around the world.

Today, I am here to acknowledge a group of people who share my love of flying—volunteer pilots and nonprofit, charitable associations called Volunteer Pilot Organizations, VPOs, that provide resources to help these self-sacrificing pilots serve people in need. I have introduced an amendment, S.A. 4606, to provide much needed liability protection to these pilots and nonprofit organizations. My legislation is supported by the American Red Cross, the General Aviation Manufacturers Association, and many volunteer pilot organizations throughout the Nation.

Unfortunately, the majority has used a procedural tactic to restrict my ability to offer this amendment to the bill we are currently debating, the FAA Reauthorization Act. However, I would like to take this opportunity to discuss my amendment and to encourage my colleagues to join me in seeking to pass basic liability protection for volunteer pilots into law at the first opportunity.

There are approximately 40 to 50 VPOs in the United States—ranging from small, local groups to large, national associations. Air Charity Network, ACN, is the Nation's largest VPO and has seven member organizations that collectively serve the entire country and perform about 90 percent of all charitable aviation missions in the United States. ACN's volunteer pilots provide free air transportation for people in need of specialized medical treatment at distant locations. They also step in when commercial air service is not available with middle-of-the-night organ transplant patient flights, disaster response missions evacuating special needs patients, and transport of blood or blood products in emergencies.

ACN and its more than 8,000 volunteer pilots use their own planes, pay for their own fuel, and even take time from their ''day'' jobs to serve people in need. These Good Samaritans provided charitable flights for an estimated 24,000 patients in 2007 and their safety record is phenomenal. In more than 30 years of service, the pilots of ACN have flown over 250,000 missions covering over 80 million miles and have never had a fatal accident.

Following the September 11 terrorist attacks, ACN aircraft were the first to be approved to fly in disaster-response teams and supplies. Similarly, in 2005, ACN pilots flew over 2,600 missions after Hurricanes Katrina and Rita, reuniting families torn apart by the disaster and relocating them to safe housing. Their service was invaluable to thousands of people.

My own State of Oklahoma is served well by a number of volunteer pilot organizations, including Angel Flight South Central and Angel Flight Oklahoma. On a daily basis, they selflessly serve my constituents by flying individuals to get surgeries and treatments.

I would like to share comments from two of my constituents with you. Angela Looney, from Norman, OK, says that, ''I could not have received the care I've gotten without Angel Flight. No one in Norman or anywhere in Oklahoma could perform my surgery. I had to get to M.D. Anderson.'' Tonya Dawson, from Broken Arrow, OK, travels with Angel Flight to treatment at the Mayo Clinic in Rochester, MN. She reports, ''The pilots are great. I can't say enough good things.''

Despite this goodwill, there is a loophole in the law that subjects these heroes and charitable organizations to frivolous, costly lawsuits. Currently, although volunteer pilots are required to carry liability insurance, if they have an accident, the injured party can sue for any amount of money. It would be up to a jury to decide on an amount. If that amount is higher than the liability limit on a pilot's insurance, then the pilot risks being held personally responsible, potentially bringing him or her financial ruin.

Additionally, the cost of insurance and lack of available nonowned aircraft liability insurance for organizations since the terrorist attacks of September 11 prevents VPOs from acquiring liability protection for their organizations, boards, and staff. Without this insurance, if a volunteer pilot were to have an accident using his or her own aircraft, everyone connected to the organization could be subject to a costly lawsuit, despite the fact that none of those people were directly involved with the dispatch of the flight, the pilot's decisions, or the aircraft itself.

Exposure to this type of risk makes it difficult for these organizations to recruit and retain volunteer pilots and professional staff. It also makes referring medical professionals and disaster agencies like the American Red Cross less likely to tell patients or evacuees that charitable medical air transportation is available for fear of a liability suit against them. Instead of focusing on serving people with medical needs, these organizations are spending time and resources averting a lawsuit and recruiting volunteers.

In order to close this costly loophole, I have introduced Senate amendment 4606. My amendment expands the Volunteer Protection Act of 1997, which was passed into law to increase volunteerism in the United States, to protect from liability volunteer pilot organizations, their boards, paid staff, nonflying volunteers, and referring agencies, should there be an accident. It also provides liability protection for individual volunteer pilots over and above the liability insurance that they are currently required to carry.

My amendment will go a long way to help eliminate unnecessary liability risk and allow volunteer pilots and the charitable organizations for which they fly to concentrate on what they do best—save lives.

I ask unanimous consent to have Senate amendment No. 4606 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. ___. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking ''the harm'' and inserting ''(A) except in the case of subparagraph (B), the harm'';

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(B) the volunteer—

''(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(ii) was properly licensed and insured for the operation of such aircraft.''; and

(2) in subsection (c)—

(A) by striking ''Nothing in this section'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

''(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

''(B) is properly licensed for the operation of such aircraft; and

''(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.''.

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the motion to invoke cloture on the Rockefeller substitute amendment No. 4627 to H.R. 2881, the Federal Aviation Administration Reauthorization Act.

There are many aviation-related provisions in the substitute amendment which are of critical importance to both the Nation and my State, including: $290 million per year to modernize the air traffic control system; a $15.8 billion authorization of funds for the Airport Improvement Program; a requirement that airlines post the on-time performance of chronically delayed flights on their Web sites; a $175 million authorization of funds for Essential Air Service, EAS, to rural areas; and an extension of EAS eligibility for Lancaster, PA; and safety improvements related to the FAA's oversight of aircraft inspections. The legislation also includes nonaviation provisions to restore the solvency of the highway trust fund, which is a matter of critical importance, and to provide tax credit bonds for high-speed rail service, a measure that I helped put together. For these and other reasons, I believe it is imperative that the Senate act on this bill.

However, I do not believe it would be appropriate to act on it without necessary and proper debate, and that is precisely what a vote for cloture on the substitute amendment would have represented. The Senate was precluded from having any meaningful or traditional debate on this legislation due to a decision to fill the so-called ''amendment tree'' so that no other amendments could be freely debated and considered. I filed two amendments to this bill, one attempting to address overscheduling of airline flights and one prohibiting unnecessary flights over residential areas, which I was precluded from offering. I believe my amendments address critically important issues that deserve the attention and consideration of the Senate, and I am told that other Senators hold similar sentiments with respect to amendments they intended to pursue.

On February 15, 2007, I introduced a resolution which would prohibit this abhorrent practice of filling the ''amendment tree'' so that the Senate can conduct its business. In the absence of this much-needed reform, I voted against cloture on the substitute amendment, not because I fail to recognize the importance of the provisions contained therein, but because the Senate was effectively blocked from offering and debating any amendments to improve it.

It is my hope that the chairman and ranking members of the relevant committees can work out an agreement that will allow this bill to come back before the Senate, and with it a process for its consideration that will allow for the kind of meaningful and traditional debate fitting of the Senate.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 460, S. 2284, the National Flood Insurance Act Amendments.

Harry Reid, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2284, the National Flood Insurance Act Amendments, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—90

Akaka	Dorgan	Mikulski
Alexander	Durbin	Murkowski
Allard	Ensign	Murray
Barrasso	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Biden	Graham	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Brownback	Hutchison	Sanders
Bunning	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johnson	Shelby
Cardin	Kennedy	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wicker
Domenici	Menendez	Wyden

NAYS—1

Coburn

NOT VOTING—9

Bayh	Craig	Landrieu
Burr	Hagel	McCain
Clinton	Inhofe	Obama

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I understand now there will be a period of 30 hours of debate on the motion to proceed. My understanding is—and my friend and colleague from Alabama will

correct me if I misspeak at all—over this evening people are going to be discussing the various amendments that can be offered.

We have actually had meetings with a number of our colleagues who have amendments they want to offer on this bill. Our sincere hope is all of these amendments will be considered. I have been informed, Senator SHELBY has by the authors of these amendments, their intention is to take whatever limited amount of time they need to make their case.

So my hope tomorrow is we will be able to vitiate the 30 hours, get right to the bill in the morning, and then move forward on these various ideas that are going to be offered by our colleagues, with the goal in mind of completing the work on this legislation hopefully by tomorrow.

There are a number of amendments out there, but I think as the authors of these amendments have indicated, they will not necessarily take a lot of time for debate.

Let me also take advantage, if I can, in offering to our colleagues on this side of the aisle—we have heard from several members. Senator LANDRIEU has some strong interest in this legislation but others may as well. I have asked them to come forward if they would, either this afternoon or early this evening, and let our staffs know what these amendments are so we can go over them with them and try to set up some orderly process by which we can consider the amendments over the course of business tomorrow as well.

I make this request of our colleagues who have amendments to the Flood Insurance Reform and Modernization Act: Would you please let us know as soon as possible what those amendments are so we can consider them, or at least set up a timeframe for you to offer them on the floor.

With that in mind, let me offer some initial thoughts, if I can. First, let me thank the majority leader. We are here today because the majority leader has created some time for us to do this. This is an interest in which all of us should have a deep concern and deep interest; I note with obvious importance my colleague from Alabama and others in the Gulf State areas.

Flood insurance is a critical issue for the coastal region of the country as well as other areas. This is a vitally important piece of legislation we are considering, S. 2284. It is the Flood Insurance Reform and Modernization Act of 2007. As I have indicated, it is a strong bipartisan bill that enhances the long-term viability of the National Flood Insurance Program, helping to provide critical insurance coverage for millions of homes and business owners throughout the country.

The substitute amendment, which I will offer later, will be offered by myself and Senator SHELBY, and contains two parts, both of which passed the Committee on Banking, Housing and Urban Affairs with the support of every member of the committee, Republican and Democrat. The substitute amendment contains the flood insurance reform package exactly as was passed by the committee as well as a bill to establish a Commission on Natural Catastrophe Risk Management and Insurance.

This is a very important issue, I might point out to Members. The unanimous votes on these bills clearly show the importance of flood insurance and the strength of the bill we are considering.

Senator SHELBY and I have joined to urge our colleagues to support our efforts to strengthen flood insurance for three key reasons. The first reason is this bill provides much needed relief to hard-working Americans who have paid flood insurance premiums for years and through no fault of their own will face new stiff premium increases to reduce the massive debt owed by FEMA as a result of Hurricanes Katrina, Rita, and Wilma.

This bill is fiscally responsible, No. 2, and greatly reduces the exposure of the Federal taxpayer under the flood program. No. 3, this bill creates environmentally sound flood policy which is needed to preserve our Nation's most precious natural resources.

I want to touch on each of these three points because I think too often we get so into the details we miss the larger picture that is involved with a piece of legislation such as this. This bill is complicated and it makes a number of significant reforms, but taken all together, it contains key policies that truly help millions of our fellow citizens.

As I said, this bill is needed to provide relief for those who suffered flood losses as a result of the 2005 hurricanes. These home and business owners did exactly what they were supposed to do. They purchased flood insurance and paid premiums—some had done so for decades—to cover their losses in the event of a flood. If we lay the entire $17 billion debt now owed by FEMA at their feet, we will force many of them out of the program. To pay the interest on the debt alone, rates would have to nearly double, and they would have to increase many times over to make a dent in that debt.

Skyrocketing premiums will create massive disincentives to purchasing flood insurance at exactly the time we need to encourage participation. At this time of increased hurricane activity, our efforts should be focused on getting as many people to purchase flood insurance as possible, so they will be able to rebuild after a storm and not have those larger costs be spread out to people across the country.

Discouraging the purchase of flood insurance would also increase the future liability of the American taxpayer. Those who flood will be underinsured or have no insurance at all, and they will turn to the Federal Government for disaster assistance.

Prior to the inception of the National Flood Insurance Program, that is exactly what happened year after year after year. After severe flooding in the 1950s, Congress established the National Flood Insurance Program because there was no private flood insurance and the lack of coverage resulted in significant Federal disaster aid payments.

The flood program was designed to provide insurance while requiring safer development so people were better protected from nature's wrath. And while we are now looking at a significant debt, I want to underscore the fact that the flood program has historically been self-sustaining, paying claims, for the most part, through premiums.

Hurricane Katrina, and the storms that followed, devastated the entire gulf region and produced flooding unlike any other storm in our lifetime. Millions of people were driven from their homes and over 1,800 people were killed.

There was no mechanism in the Federal flood program to pay for the losses of the magnitude experienced in the 2005 storms, so it borrowed funds from the U.S. Treasury to meet those obligations and ensure that families in Louisiana, Mississippi, Texas, Florida, and Alabama could rebuild.

We are now faced with a choice, to forgive the debt so that flood insurance continues to be available to home and business owners throughout the country or substantially raise premiums on all policyholders, an action which would hurt the very people who are trying desperately to rebuild their lives after these hurricanes. The bill before us makes what I believe is the right choice.

The second reason this bill is necessary is that it establishes fiscally responsible policies to ensure that flood insurance will continue to be available, while reducing the likelihood that taxpayers would be on the hook for those flood losses. This bill strengthens flood insurance so the next time a hurricane hits, whether it be in Mississippi, Florida, Texas, Alabama, Connecticut, or any other State that borders on our coasts, flood claims can be paid without relying on taxpayer funds across the country.

It does this by requiring flood insurance in additional at-risk areas, moving the program toward actuarial soundness and requires the program to build up reserves to pay for losses. These changes will help guarantee additional premium income while maintaining affordability for most homeowners.

As I also indicated, this bill contains environmentally sound flood policies. These reforms, especially to the flood mapping program, will allow communities, homes, and business owners throughout the country to accurately assess their flood risk and will encourage responsible and environmentally friendly development decisions.

Communities cannot make decisions to protect fragile areas along our coasts and riverbeds if maps are not accurate and risks are unknown. The

mapping provisions contained in this bill ensure that flood maps will be accurate, up to date, and readily available. No longer should communities and homes and business owners have to rely on outdated and inaccurate information.

Senator REED of Rhode Island is to be commended for his work on the mapping provisions of this bill that are critical to the flood insurance program.

This is a strong and needed bill which will extend the flood insurance program for 5 additional years, put it in a financial position to be able to continue to make flood insurance available to the millions of families at risk throughout our Nation, while at the same time reducing the risk of taxpayer assistance.

I want to take a moment to let my colleagues know of the range of support for this bill. This is a very diverse and somewhat unique coalition of organizations that has come out in support of this piece of legislation. These organizations, I believe, are worth mentioning because of their diversity.

We have the support of the following: The Consumer Federation of America, the American Insurance Association, the Council for Citizens Against Government Waste, the Competitive Enterprise Institute, the Defenders of Wildlife, the Environmental Defense Fund, the Financial Services Roundtable, Freedom Works, Friends of the Earth, the National Association of Mutual Insurance Companies, the National Wildlife Federation, the Property Casualty Insurers of America, the Reinsurance Association of America, and Taxpayers for Common Sense.

That is not normally a coalition you put together around a piece of legislation, covering the financial services industry as well as environmental groups and consumer groups as well.

I commend all of them for working with us, going through the long process of developing this bill in the way we figure comprehensively deals with this issue. I realize these groups are not normally united in the support of a single piece of legislation, but they have all come out in favor of a reasonable, balanced approach that we have taken to the flood insurance program.

As I said earlier, the substitute amendment we will be offering also establishes a Commission on Natural Catastrophe Risk Management and Insurance. There has been a good deal of discussion about adding wind and other risks to the flood insurance program. These are arguments hard to answer because there is a very strong and legitimate claim to be made.

However, it was the judgment of the Banking Committee that while these ideas have merit—and I strongly indicate and support that—they deserve further study so we can understand the implications of what a major shift would be in this program and how the natural catastrophes are insured.

To that end, the committee unanimously passed legislation to establish a blue ribbon commission that would in very short order examine the availability and affordability of natural catastrophe insurance and make recommendations posthaste to the Congress and to the administration on whether, how, and to what extent additional Federal action in this area would be appropriate. Until we have that information, I honestly could not stand before my colleagues and give them any idea of the magnitude of the cost of this program. We would literally be in the dark entirely if we tried to expand it. That is not to suggest there is not legitimacy to the request. But we ought to deal with it in as thoughtful a manner as we can so we are not here again next year or the year after, once again forgiving debt, trying to come up with another program to deal with the result of a massive infusion of taxpayers' dollars to deal with disasters with which people are coping. To that end the committee unanimously passed the legislation to establish this commission.

What is clear is that millions of Americans, some of whom were devastated by hurricanes, have seen increased premiums and constrained availability of insurance. We are all committed to doing everything we can to ensure that people at risk are able to insure their homes and businesses. We believe this commission will provide the information we need to undertake that effort in a sensible and effective way.

I thank Senator SHELBY and his staff who worked so closely with us on this bill. Senator SHELBY has been a very strong advocate of flood insurance. Under his leadership and chairmanship of the committee, the Banking Committee passed a similar bill in the last Congress. I also thank Senators REED of Rhode Island, BUNNING, and CARPER for their work on the legislation, particularly on the flood insurance portion. The status quo on flood insurance is not an option. Families in every State rely on flood insurance to rebuild when they are flooded out. The national flood insurance program must be reformed and strengthened. I urge my colleagues to support this legislation so that our constituents can continue to rely on a strong and stable national flood insurance program.

I urge colleagues who have amendments and ideas to offer to this legislation to please let us know of these ideas immediately so we can consider them and put them in a proper order for consideration when we resume consideration of the legislation tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of the managers' amendment. It is a bill that combines the Flood Insurance Reform Act of 2008 with the Catastrophic Commission Act of 2008 that Senator DODD has just outlined. Senator DODD and I worked very closely to develop this important legislation in the Banking Committee, which the Senate Banking Committee, by the way, unanimously passed last year.

The legislation places the national flood insurance program on a stronger financial footing because it requires those living and working in areas vulnerable to flooding to assume more of the financial risk, as it should be. The bill also addresses many other structural and fiscal weaknesses in the program itself.

In addition, the managers' amendment creates a commission to study the current market for catastrophic insurance. The results of this commission should provide Congress with a factual basis for future legislative action, if we deem it necessary.

To fully appreciate the need for significant reform of the national flood insurance program, we must first consider the program's history. The flood insurance program was established in the Congress in 1968 to provide policyholders with some insurance for flood-related damage. The intent of the program was to generate enough revenue through premium dollars to prevent taxpayers from paying for flood-related losses during an average flood loss year. At the inception of this program, Congress included explicit subsidies for business properties and homes known as preflood insurance rate map or pre-FIRM structures. It was determined that it was not fair for the owners of such structures immediately to pay actuarial prices because they received no notice regarding the new mandatory purchase rules.

That said, it was also believed that many, if not all, of the pre-FIRM structures would quickly become ineligible for the subsidies. For this reason, Congress never included a subsidy elimination mechanism. This oversight has had significant financial consequences for the current flood insurance program.

More than 40 years later, a large number of these properties still receive explicit subsidies. Many of these properties have made the greatest claims on the program after suffering repetitive losses. In fact, the Congressional Budget Office has valued the explicit subsidy for grandfathered homes at $1.3 billion per year. There are other key factors beyond the poorly designed financial structure of the program that need to be addressed. For example, the size of the program has expanded exponentially since its inception. In 1978, 10 years after the program started, the program had 1.4 million policyholders and $50 billion in risk exposure. Today there are more than 5 million policyholders and over $1 trillion in risk exposure.

Finally, the maps used to determine the rates for the program are largely out of date just about everywhere. Antiquated maps do not represent accurately the risk that covered structures face.

Without up-to-date maps and, hence, an accurate risk assessment, price is

simply reduced to guesswork. Often these guesses have been too low, and the taxpayers have been forced to make up the difference, oftentimes to very wealthy people. This program currently generates $3 billion in premiums, spends roughly $1 billion on administration, and has a liability exposure of more than $1 trillion. Let me repeat that. The program has a liability exposure of more than $1 trillion. In fact, the financial deficiencies of the program are so great that the Government Accountability Office placed it on a list of high-risk programs because it does not generate enough money to cover its liabilities.

Furthermore, Robert Hunter, who is recognized as one of the key individuals in getting the program started, has stated:

> The integrity of the program [must be] restored . . . [or] consideration must be given to ending this . . . hopelessly administered program.

Mr. Hunter was with the Consumer Federation of America for many years. Mr. Hunter's prescription for restoring the program's integrity is requiring greater mitigation efforts and moving toward actuarial soundness. This is what we have attempted to do today.

I recognize that reforming the flood insurance program presents the Congress with difficult choices. We could end the program, we could dramatically increase fees on program beneficiaries, or we could do nothing. Each of those choices would be unacceptable. That is why Senator DODD and I have crafted a bill that addresses what we believe are the most significant financial weaknesses of the program without dismantling its core features. We struck a realistic balance between the needs of the program's beneficiaries and the taxpayers on the hook for the program's shortfalls.

The legislation before us strengthens the program by immediately eliminating subsidies on vacation homes, businesses, and severe repetitive-loss properties. It then paves the way for eliminating all subsidies in the future. It proceeds in such a way, however, that recognizes immediate elimination of all subsidies is not prudent because flood maps will not be updated for some time.

To address the mapping deficiencies, the bill creates stringent standards that the program must use to complete the map modernization process. Once we have the most accurate and up-to-date flood mapping possible, homeowners will better understand and mitigate their risks.

The program will also transition to more accurate pricing. In addition to eliminating subsidies, the bill requires State-chartered lending institutions to maintain flood insurance coverage for all mortgages located within the 100-year flood plain. It increases enforcement tools available to bank regulators at both the Federal and State levels by requiring escrow of flood insurance premiums throughout the life of the mortgage. The civil monetary penalties that regulators may levy against lenders for failure to comply are also increased. The bill creates a mandatory reserve fund to cover the cost of unusual events. This provision is intended to limit future reliance on the American taxpayer. The bill requires a rulemaking to ensure that the ''write your own'' carriers are being reimbursed solely for their expenses.

Finally, the legislation creates a commission that Senator DODD outlined earlier to study the effects of natural disasters on our insurance system. The commission must report its findings within 9 months.

Some have suggested that we should add wind insurance coverage to the already bankrupt Federal flood insurance program. I remind my colleagues of certain facts: The Insurance Information Institute estimates that by adding wind as a covered peril, the program will take on an additional $14 to $19 trillion worth of risk exposure. In addition, a Towers-Perrin report indicates that adding wind coverage to the flood program could lead to an additional annual program deficit as high as $1 billion.

Both of these studies point out exactly why we should have a complete understanding of all of the facts before we even contemplate expanding the Federal Government's role as an insurance provider.

Before I conclude, I will take a moment to recognize Senator BUNNING for all of his efforts to reform this program for the past several years. As Senator DODD did, I also recognize Senator JACK REED of Rhode Island and his staff for their efforts to create accurate and up-to-date flood maps which are essential for this program in the future. Lastly, I thank my colleague, Senator DODD, chairman of the committee, and his staff for their efforts in crafting this bipartisan legislation.

I repeat something I said earlier: Reform of the program involves tough choices. We must make these tough choices, however, if this program is going to survive. For the good of the program beneficiaries and the taxpayer, I urge my colleagues to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. WICKER. Madam President, this week the Senate will consider the reauthorization of the National Flood Insurance Program. Today, I have filed an amendment to this reauthorization legislation which is of critical need, not only to the gulf coast but to the entire country. My amendment would add a multiple peril insurance provision to create a new option in the National Flood Insurance Program of offering coverage of both wind and flood risk in one policy.

The proposal would require premiums for this new coverage to be risk-based and actuarially sound, so that the program would be required to pay for itself. Indeed, the Congressional Budget Office has estimated that the multiple peril program:

> . . . would increase premium receipts and additional claims payments by about the same amount—resulting in no significant net budgetary impact.

By covering wind and flood risk in one policy, the multiple peril option would allow coastal homeowners to buy insurance and know that hurricane damage would be covered regardless of whether that damage is caused by wind or water.

It has been just over 2½ years since Hurricane Katrina hit the gulf coast with its 30-foot storm surge and winds over 125 miles an hour. Katrina was the most devastating natural disaster ever to hit North America.

The people of Mississippi and Louisiana have made great progress in rebuilding the communities along the gulf coast. Everyone knows the Federal Government's response was not perfect, but the Government and this Congress have done a lot to help to rebuild communities, homes, businesses, and lives along the gulf coast.

As much as the Government and this Congress have done, there is still more work to be done. There are still too many destroyed homes left uninhabited, too many slabs of concrete that represent all that is left of what used to be homes and businesses. A major contributing factor to this problem is the cost and availability of insurance. Since the day I became a Member of this body, the cost of insurance has become an issue I continually hear about. As I stated in my maiden speech, if you can't insure it, you can't build it or finance it. It is that simple. The problem is harming the efforts of small businesses to rebuild and grow and succeed, and it is driving rental rates beyond affordability. It is increasing the cost of home ownership and, in many cases, making it impossible for people who lost their homes to Katrina to rebuild.

Congress needs to act to find a workable solution to this problem, and the National Flood Insurance Program reauthorization gives us an opportunity to do so. I say this not only for the good of the people of Mississippi and Louisiana but also for every single American taxpayer and for every person who lives along the American coastline.

This is not just an issue for the gulf coast. From Bar Harbor, ME, to Brownsville, TX, millions of Americans live on a coastline in the path of future hurricanes. As the Biloxi Sun Herald noted this week in an editorial in support of my amendment:

More than half of the Nation's population lives within 50 miles of a coastline, and 50 miles is well within harm's way when a major storm makes landfall.

We have not always had a national flood insurance program. In 1968, Congress was forced to act to address the problems associated with flooding from hurricanes. Now the same problem that led to the National Flood Insurance Program is happening with wind. As it did in the past, Congress needs to act to address the problem. The National Flood Insurance Program was created because insurance companies quit offering coverage for flood damage caused by hurricanes. With competing wind and flood policies, the same has happened to wind insurance in these same areas.

Wind versus water—that is the debate which still occurs today in courtrooms on the Mississippi gulf coast between insurance companies and storm victims. It is a debate that necessitated the multibillion-dollar supplemental appropriations package this body approved after Katrina. Unless Congress changes the law, the wind versus water debate will result in a multibillion-dollar supplemental appropriations package after the next big hurricane wherever in the United States it may land. This is driving more and more homeowners and business owners into a State-sponsored wind pool, which is required to provide coverage. But this is not a reasonable long-term solution because too much risk is being placed in too small of a pool. What was initially conceived to be the last resort has now become the only resort for many Mississippians living along the gulf coast. The reality is that State wind pools, especially in my home State of Mississippi, are unable to spread the risk to balance the claims.

As the Government Accountability Office has pointed out, these competing wind and flood policies provide a conflict of interest in determining who is responsible to pay these claims. The flood insurance companies say it was wind. The wind insurance companies say just the opposite. Because of this, my constituents on the gulf coast are paying thousands of dollars to the State wind pool. That doesn't count flood insurance or homeowners insurance on top of that.

The picture I am painting here is quite clear: The unaffordability of insurance is driving people from their homes.

Some of my colleagues may point out that every homeowner can purchase wind insurance. I would argue that, as a practical matter, they cannot. As I mentioned before, this is not just a Mississippi problem, nor is it just a gulf coast problem. For instance, in Massachusetts, since 2003, 10 insurance companies have dropped homeowner coverage in the Cape Cod coastal area. This affects approximately 44,000 homeowners in Massachusetts. The Massachusetts State insurance backstop is now insuring 44 percent of the market.

I hope my colleagues from the following States, in addition to Mississippi and Louisiana and Massachusetts, will pay attention to this debate. States such as New York, Maryland, Virginia, South Carolina, Florida, Alabama, and Texas have all experienced the same problem. In North Carolina, for example, the State insurance plan known as the ''BEACH Plan'' saw its liability increase over 260 percent in just 4 years. I assure you, I would prefer that the private market write these policies, but this simply is not happening. Every day, more and more liability is being thrust upon the shoulders of the States.

To help address this problem, the best solution available is to allow homeowners to purchase wind and flood insurance coverage in the same policy. This would spread the risk outside of defined State borders and would ensure available, affordable, and total insurance for coastal homeowners. That is exactly what my multiple peril insurance amendment does.

Multiple peril insurance will allow property owners to buy both wind and flood coverage from the National Flood Insurance Program. Residential coverage would be $500,000 for structures and $150,000 for contents and the loss of use. For nonresidential, it would be $1 million for structures and $750,000 for contents and business interruption.

Under this amendment, property owners would be able to buy insurance and know in advance that hurricane damage would be covered without disputes over the cause of damage. No longer would home and business owners have to go to court to try to prove it was either wind or it was water that destroyed their property.

The premiums for this new single coverage would be risk-based and actuarially sound, according to the terms of my legislation. The CBO has agreed that the program will, over the long run, pay for itself.

Windstorm insurance would be available under my amendment only where local governments adopt and enforce the international building code or equivalent building standards. This Federal multiple peril program will spread risk geographically to form a stable insurance pool, compared to State pools that cover only a small area.

Again, I state this issue doesn't just impact the gulf coast. It impacts most directly the 55 percent of our country's population that lives within 50 miles of a hurricane-prone coastline.

Beyond that, however, this is a good-government issue that affects every single taxpayer. Multiple peril coverage would also protect the taxpayers by saving them from having to pay for another giant emergency relief package the next time a hurricane hits. It is not a question of if but when it happens and, I might add, where it happens again.

With the legislation before us, the reauthorization of the National Flood Insurance Program, we have been provided an opportunity to take action to begin to correct this inequality. I believe my multiple peril amendment is a good start.

I realize there are several philosophies about solving the coastal insurance crisis, and I am not wedded to any single approach. I would simply point out that this amendment has already been adopted by the House of Representatives in an amendment offered by my friend and former colleague, Representative Gene Taylor of Mississippi. What I am committed to is providing my constituents relief before the next hurricane hits. I do not believe Congress should take over the entire private market of all insurance. I believe in free market principles, and I believe Congress should look seriously at the State-by-State rate regulatory structure that forces insurers to set their rates on the basis of geographical boundaries within individual States in which they are admitted to do business. I believe Congress should consider other thoughtful proposals such as the one being advanced by the St. Paul Travelers Insurance Company, which would allow limited rate regulation relief for the purpose of creation of a coastal band. This is simply one of a number of good ideas that deserve consideration. But the status quo does not work, and that is what we have an opportunity to correct this week.

Some of my colleagues will argue against my amendment for a number of what they see as problems. Very seldom is legislation error-free or exactly correct at the outset, and my amendment is no different. We should not, however, let the perfect be the enemy of the good.

I ask my colleagues to remember all of the places along the coast of North America and perhaps invite them again to visit Hancock County, in my State of Mississippi, ground zero, where Katrina made landfall, and see for themselves why action is needed now and why we should not miss this opportunity on the reauthorization of the National Flood Insurance Program.

This amendment is badly needed. At the appropriate time during consideration of amendments, I will urge my colleagues to adopt the amendment.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, I am pleased to support the amendment offered by my colleague from Mississippi. The amendment of Senator WICKER will benefit not only constituents in Mississippi but anyone who lives in the path of future hurricanes.

Two-and-a-half years ago, the most devastating natural disaster in the history of our country, Hurricane Katrina, made landfall on the Mississippi, Louisiana, and Alabama coasts. The devastation that was caused was indescribable.

The people of our State have made significant and impressive progress toward recovery since that fateful day, August 29, 2005, but there is still much

work to be done. There are far too many vacant lots and empty slabs that remain around our gulf coast for our recovery to be considered complete.

Mississippians are appreciative of the assistance the Federal Government has provided to aid in their recovery from Hurricane Katrina. However, a significant additional opportunity to assist that recovery will have been lost if the issue of affordable wind insurance is not addressed.

One of the most significant impediments to the recovery of the Mississippi gulf coast is the availability of affordable homeowners insurance. There are many coastal residents who simply cannot afford to insure their homes, and homes cannot be rebuilt until they have secured insurance.

One of the most expensive components of these homeowners insurance premiums is coverage for damage caused by wind.

Most coastal Mississippians are currently being forced to buy their wind coverage from the State-run wind pool. This wind pool is necessary because the private insurance industry has largely discontinued selling wind policies in these coastal communities.

So a program that was designed as an insurer of last resort has become the only available option. Those who are able to buy coverage from this State wind pool have found their premiums increased dramatically over the last 2 years.

Unfortunately, this is a shortsighted solution. There is simply too much risk, in too small of a pool, concentrated into a small geographic area. This is not a problem that is unique to Mississippi. Most State wind pools face the same problem of not being able to spread the risk wide enough to avoid an overwhelming loss in the event of a significant hurricane.

I wish to be clear. This is not only an amendment for those who were impacted by Hurricane Katrina. This amendment would benefit millions of Americans who live on our vast coastlines and face the potential of a future catastrophic hurricane.

This amendment would allow homeowners to buy insurance and know in advance of the storm that they will be covered without a prolonged dispute over whether the damage was caused by wind or water.

This wind coverage will be available only where local governments enforce strict building standards to minimize future loss. The premiums for this coverage would be actuarially sound and would not expose the Federal Government to undue financial risk.

A great deal of thought has gone into my recommendation of this amendment. I urge a vote in support of the amendment. If private insurers or the State-run wind pools could adequately address this problem, then I would not as vigorously advocate the Federal Government expanding its role in the business of insurance.

But Senator WICKER's amendment provides the best available solution for this very serious problem.

As the 2008 hurricane season approaches, I believe we should not miss this opportunity to address this growing problem. The Wicker amendment provides us with the best opportunity to make certain affordable wind insurance is available for those living near our coastlines.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2980 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been very patient today. I so wanted to come to the floor, after the FAA bill was destroyed, wiped out by the Republicans not letting us go to that legislation, one of the most important pieces of legislation we could deal with. The reason I had to calm myself down, I listened to a number of Republican Senators say: Well, if we could have offered amendments. I did everything I could to allow people to offer amendments: Agree to a list of amendments; could we see your amendment; we will take down the tree; we will do anything you want; offer amendments.

Finally, I spoke to one of the Republican leaders. I said: It is obvious the only reason you are not supporting this is because of the New York money, the final installment of the $20 billion promised the city of New York, the State of New York, by the President of the United States, George Bush. I said: It is in the President's budget.

One of the Republican leaders said: We still oppose it.

Then, if that were not enough, we now come to an important piece of legislation, flood insurance. This is a result of what happened in Katrina and the other devastating floods we have had in this country in recent years. Insurance companies have gone broke. Individual companies have gone broke. Individual homeowners have suffered significantly. So after months of working on this piece of legislation on a bipartisan basis—Senators DODD and SHELBY are the ones who worked to get the bill here—we bring the bill to the floor. We file cloture on a motion to proceed so we can start offering amendments. It passes 90 to 1. We have been waiting since 3 o'clock today to start legislating. People are waiting to offer amendments. I can't imagine how the Republicans can sleep at night, stopping this country from legislating on most important issues. They act as if it is not important. So in the morning I am going to come here, and we are going to ask consent if we can start legislating on this bill, or do we have to wait until 9 o'clock tomorrow night until the 30 hours runs out before we can start legislating on flood insurance. We are going to finish flood insurance this week. If we have to work Thursday night, Friday, Saturday, and Sunday, we are going to finish this bill.

People will have an opportunity to offer amendments. Maybe they can't start offering amendments until 9 o'clock tomorrow night, but if that is the case, then we are going to start working at 9 o'clock tomorrow night so people can offer their amendments, because tomorrow is Wednesday. We wasted all day today not being able to offer amendments. I am told there are only a couple amendments people want to offer—three or four. It is an issue of whether this legislation should include also wind. That is an issue we can debate and vote on. But we are going to make a decision sometime tomorrow as to when we file cloture, whether we do it Thursday and have a Saturday cloture vote, do it tomorrow and have a Friday cloture vote. We are going to finish this bill this week.

We have so much to do. We have the farm conference coming. We have the consumer product safety conference coming. We have to do the budget. We have the supplemental appropriations bill and a number of other measures we have to do.

I hope we can start moving to allow people to offer amendments. It seems not a very good legislative process dictated by the minority, the Republicans, when you pass something 90 to 1, and they still hold it up.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT MATTHEW R. VANDERGRIFT

Mr. SALAZAR. Mr. President, I rise today to honor the service and sacrifice of Marine 1Lt Matthew Vandergrift, of Littleton, CO. Lieutenant Vandergrift was assigned to 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lajeune, NC. He was recently killed in Basra, Iraq, by a bomb that exploded near his humvee. He was 28 years old.

Those who knew Matthew Vandergrift describe him as a true patriot, committed to his country, his family, his friends, and to helping those around him. He was full of energy and laughter, and was always looking for the next adventure.

Matthew grew up in Austin, TX, and attended Texas A&M University, where he graduated with honors in 2005. He was a member of the Corps of Cadets and Naval ROTC at Texas A&M, majored in international business, and had a 4.0 grade point average.

When he became a marine in 2005, Matthew joined a proud family tradition of military service. His father was a major in the Marine Corps, his younger brother Barrett is an Air Force helicopter pilot, and his great uncle was GEN Alexander Vandergrift, a World War II Medal of Honor recipient and the 18th Commandant of the U.S. Marine Corps.

When he was killed, Lieutenant Vandergrift was in the middle of a year-long deployment that began last August. Tasked with helping train Iraqi security forces, his team of four marines lived and patrolled together with 50 Iraqis. They were performing sweeps in Basra in an attempt to calm violence, root out pockets of insurgents, and stand up an Iraqi unit that could take charge of the security responsibilities in the area. It was a dangerous mission in one of the most dangerous places in Iraq. But it was also a vital mission, and one that demanded the smarts, courage, and character for which Lieutenant Vandegrift was known.

Each of our men and women in uniform is a patriot—they stand up at the call of their country and assume the task of service. But Matthew Vandergrift was also a patriot in a broader sense. Frances Wright, one of America's most famous lecturers, reminds us that patriotism is not simply one's love and dedication to country. Patriotism, she observes, is a virtue that characterizes an individual's commitment to the public good, to the preference of the interests of the many to the interests of the few, and to the love of liberty. ''A patriot,'' she told an Indiana crowd on July 4, 1828, ''is a useful member of society, capable of enlarging all minds and bettering all hearts with which he comes in contact; a useful member of the human family, capable of establishing fundamental principles and of merging his own interests, those of his associates, and those of his nation in the interests of the human race.''

We cannot count the hearts that Lieutenant Vandergrift touched nor the lives he bettered—that knowledge rests in the memories of those who knew him and served with him—but we may hope to emulate his model of patriotism. It is no easy task. It is rare that a man puts himself on the line for his country and for those with whom he served with such courage, with such heart, and with such a smile, as Matthew.

Lieutenant Matthew Vandergrift's stature in life is matched only by the depth of his sacrifice—and the void he leaves behind. To Matthew's family, I know no words that can ease the pain of losing a son or a brother. I hope that in time you will find consolation in the pride you must feel for Matthew's service and for the joy he brought to all who knew him. He was a patriot and a hero. His country will always honor his sacrifice.

CELEBRATING NATIONAL SALVATION ARMY WEEK

Mr. LUGAR. Mr. President, I wish to share my enthusiasm for a celebration that is soon to take place across America, National Salvation Army Week. The Salvation Army has been serving and enriching American communities for over 125 years. Since 1954, when President Eisenhower declared the first National Salvation Army Week, local units and State divisions have used this time to celebrate the charitable work they have accomplished and call attention to forthcoming projects. It is a time of heightened activism for the organization and its members. But this week is also an opportunity, a chance for us to thank the corps' members for the wonderful gifts of servanthood and volunteerism they have shown.

I recognize the many lives the Salvation Army has touched through its important work, and I am deeply thankful for the men and women who offer their time and energy in realization of its cause.

Furthermore, I am especially pleased to note that several Indiana communities will be host to their own festivities in honor of this occasion.

In Chesterton, IN, a public concert will be held on Saturday, May 17, with a performance by the Chicago Brass Band. In Bloomington, interested parties will be able to partake in ''Donut Day'' on May 13 and a family Block Party on May 15. Columbus, IN, will fly the Salvation Army flag over its city hall for the entire week. Indianapolis will witness a ''Ramp to Camp'' fundraiser organized to send at-risk youth to summer camps. Fort Wayne-based Salvation Army volunteers will hold a Thank-a-Thon. New Albany, IN, will be the site of several open house events. The list continues; these are just a few of the many noteworthy events that I am confident will be a time of joy and fellowship for participants.

I hope you will join me in extending best wishes and fine weather upon all those involved in this year's National Salvation Army Week, May 11 to 17.

AGRICULTURAL TEMPORARY WORKERS

Mr. BARRASSO. Mr. President, every spring season brings many demands on the time of farmers and ranchers in my home State of Wyoming.

They are busy tending to their livestock, newly born calves and lambs, and planting their crops. Many of them rely on the H–2A program to find seasonal and temporary skilled workers to assist them in their time-honored work.

This program is vital to Wyoming's agricultural industry. That is why I joined my friend Senator ENZI in asking the Department of Labor to extend the public comment period on its proposed rule changes to the program.

Many Wyoming employers have not had an opportunity to fully review the proposed changes. I recognize that improvement in the program is needed. We must improve its efficiency for both workers and employers.

Recently, there was a very thoughtful editorial which was printed in the Wyoming Livestock Roundup on April 12.

The editorial was written by Bryce Reece. Bryce is the executive vice-president of the Wyoming Woolgrowers Association and I believe he does a terrific job of summing up the feelings of all Wyoming farmers and ranchers.

I recommend it to my colleagues and ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENT QUICKLY ON IMMIGRATION REFORM

(By Bryce Reece)

Apparently frustrated with Congress and its lack of action regarding our immigration laws, the Bush administration has decided to reform some aspects of our system administratively.

On Feb. 13 the Department of Labor (DOL) issued a 47-page proposal to amend regulations regarding nonimmigrant workers employed in temporary or seasonal agricultural jobs. Contractual enforcement of nonimmigrant workers and employer responsibilities are also addressed. These proposed changes would supposedly ''re-engineer'' the process by which employers may obtain temporary labor certification from the DOL for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in H–2A (agricultural temporary worker) status.

Workers from outside the U.S. are not only vital to Wyoming and the nation's sheep industry, but are becoming increasingly important to all of Wyoming's livestock industry. As importantly, they are vital to all of U.S. agriculture. As the DOL noted in its proposal, ''Data from the National Agricultural Worker Survey (NAWS) . . . shows that in 2006, 19 percent of all agricultural workers were first-time U.S. farm workers.'' Among the new workers, 85 percent were foreign-born and 15 percent were U.S. citizens. A new worker is defined as anyone with less than a year's experience.

Legally bringing in workers from outside of the United States is a laborious, tedious, time-consuming and expensive proposition. This statement has become increasingly true since 9/11. Increased and heightened security has made the process a bureaucratic and administrative maze, one that many employers are on the verge of abandoning. Faced with the increased difficulty of compliance, smothering and draining regulations and a seemingly endless parade of federal bureaucrats throwing up roadblocks, it's hard for people in the countryside trying to run a business and do things right.

A lack of U.S. workers interested in or seeking employment in agriculture has compounded the problem. While those in agriculture have seemed to be ''crying in the wilderness'' about this worker shortage, some have been listening. Senator Diane Feinstein (D–Calif.) recently highlighted the unique labor needs of agriculture and the importance of foreign labor in a September 2006 floor statement: ''We have one million people who usually work in agriculture. I must tell you they are dominantly undocumented. Senator Craig pointed out the reason they are undocumented is because American workers will not do the jobs. When I started this I did not believe it, so we called all the welfare departments of the major agriculture counties in California and asked—can you provide agricultural workers? Not one worker came from the people who were on welfare who were willing to do this kind of work.''

The program, which is most commonly used in Wyoming for bringing in foreign workers, is called the ''H–2A Program.'' The H–2A worker visa program provides a means for U.S. agricultural employers to hire foreign workers on a temporary basis. They fill a labor niche that cannot be met in the U.S. The H–2A program is vital to the western sheep industry; and, it is the H–2A program that has become a nightmare for agricultural producers looking to bring foreign workers to the U.S. legally. It is the H–2A program that the DOL is proposing to modify and ''fix.''

Senator Larry Craig (R–Idaho) summarized the problem this way: ''[T]his economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A guest worker program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal. We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works. Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports. Time is running out for American agriculture, farm workers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately.''

In the proposal out for comment, DOL claims its purpose in re-engineering the H–2A program and the resulting outcomes will be:

Simplify the process by which employers obtain a labor certification.

Increase employer accountability to further protect against violations of program and worker standards.

Efficiencies in program administration that will significantly encourage increased program participation, resulting in an increased legal farm worker labor.

U.S. workers will be better protected from adverse effects when they are competing with workers who are legally present in the U.S. and who are subject to all of the requirements of the H2–A program.

Institute a new auditing process to verify that employers have, in fact, met their responsibilities under the H2–A program.

Alter the current H2–A housing inspection procedures.

The devil is always in the details, however, and we have identified several areas within the proposed changes where more harm than good could occur. Several agricultural groups have joined forces to analyze and prepare comments on these proposed changes.

The WWGA is asking all agriculture supporters and particularly employers who currently, or may in the future, utilize the H–2A program, to comment. Comments can be submitted electronically, which is the quickest and least expensive method.

For those wishing to secure a copy of the proposed changes, they can be found at http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=ETA-2008-0001 (click on one of the icons in the first row under ''views'').

With comments due on a very short timeline, April 14, we have posted helpful information including sample comments on our website at www.wyowool.org. Diane Carpenter in our office and I would also be glad to answer questions from those submitting comments on this tremendously important effort.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. BOXER. Mr. President, please join me as we celebrate Asian Pacific American Heritage Month this May.

Asian Pacific American Heritage Month was originally established as Asian Pacific American Heritage Week in 1977 by a congressional resolution. In 1992, Congress expanded the week into a month to recognize the countless contributions that Asian Pacific Islander Americans have made to our country.

The month of May is significant to the Asian and Pacific Islander American, APIA, community because it coincides with two important milestones in APIA history: the arrival of the first Japanese immigrants to the U.S., in May of 1843, and the contributions of Chinese workers toward building the transcontinental railroad, which was completed in May of 1869.

The APIA community is one of the fastest growing populations in the United States. With nearly 15 million residents and growing, APIAs contribute greatly to every aspect of life in America, just as they have throughout our history.

This year's Asian Pacific American Heritage Month theme is ''Leadership, Diversity, Harmony—Gateway to Success.'' As the Senator from California, which has 5 million APIA residents, I am working hard to address the many issues of importance to the APIA community, such as human rights, immigration reform, education, and health care.

As the chair of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, I have been working on issues such as peace and stability in East Asia and the Pacific, human rights issues, environmental protection, and the economy.

I hope you visit my Asian Pacific American Heritage Month web feature to learn more about how the APIA community has shaped our Nation's history. I hope that you will find this information useful and that you will celebrate the rich diversity that is America's greatest strength.

ADDITIONAL STATEMENTS

CELEBRATING SAN FRANCISCO GIANTS BASEBALL

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 50th anniversary of the San Francisco Giants in San Francisco, CA.

After relocating from New York to San Francisco, San Francisco Giants pitcher Ruben Gomez threw the historic first pitch from the mound at Seals Stadium in San Francisco on April 15, 1958 and 23,448 enthusiastic fans watched the Giants defeat the Brooklyn Dodgers 8–0 on that special day 50 years ago. San Francisco was now home to a part of our national pastime.

After two seasons at Seals Stadium, the Giants moved to Candlestick Park in 1960. Home to the Giants for 40 seasons, Candlestick Park is located on the San Francisco Bay and carried the reputation for being one of the coldest, windiest, and foggiest ball parks in all the country. Despite these less than favorable playing conditions, Candlestick Park stood strong on one of the most frightening days in San Francisco history: October 17, 1989. Candlestick Park was packed with 62,000 fans before Game 3 of the 1989 Bay Bridge Series between the San Francisco Giants and the Oakland Athletics, when the 7.1 Loma Prieta earthquake struck. Thankfully, Candlestick Park withstood the trembler and no one in attendance was injured.

In 2000, the Giants left Candlestick Park and relocated to the brand new Pacific Bell Park in downtown San Francisco. Now known as AT&T Park, the classically designed ballpark offers picturesque views of the city and bay. Today, the home of the San Francisco Giants is widely regarded as one of America's most beautiful stadiums.

In their first 50 years in San Francisco, the Giants have been a model of excellence on the field. In addition to capturing three National League pennants, several members of the National Baseball Hall of Fame have donned the trademark orange and black colors of the Giants: Willie Mays, Juan Marichal, Orlando Cepeda, Gaylord Perry and Willie McCovey. The San Francisco Giants have been a great source of entertainment and pride to their legion of loyal fans over the past half century.

In addition to their achievements on the field, the San Francisco Giants baseball club is also committed to serving their community through a variety of community service programs. From the Giants Community Fund,

which supports summer baseball leagues for low-income children throughout northern California, to the ''Read to Win'' program which encourages children to keep reading throughout the summer months, the San Francisco Giants baseball club is actively assisting baseball fans and their families throughout northern California.

I congratulate the San Francisco Giants on their many accomplishments over the past 50 years in San Francisco. I send my best wishes for their next 50 years.●

IN HONOR OF DOVER AIR FORCE BASE

● Mr. CARPER. Mr. President, today I congratulate Dover Air Force Base and all the men and women who serve there for winning the Commander In Chief's Installation Excellence Award for 2008.

This prestigious award honors military installations for their outstanding service and dedication, and exemplary support of their missions. In the 23 years that this award has been given, Dover Air Force Base is the first Air Mobility Command to ever win this award.

This is a great honor not only for Dover Air Force Base, but for all of us in Delaware who are enormously proud of the base and all the dedicated men and women who serve there.

This highly coveted award recognizes the excellent working, living and recreational facilities for those men, women and families stationed at the base.

For Dover and for Delaware this means winning it all, like winning the Super Bowl or winning the NCAA championship. It is like a home run with the bases loaded. I could not be more pleased or proud of the men and women serving at Dover.

I am honored that our Delaware facility serves as a national example of how quality installations enable better mission performance and enhance the quality of life for military men and women and their families by providing quality working, housing and recreational conditions.

I would also like to recognize the other winners of this year's award: Fort A.P. Hill, Bowling Green, VA; Marine Corps Base, Camp Pendleton, San Diego, CA; Naval Base Coronado, San Diego, CA; and Defense Supply Center Richmond, Richmond, VA.

Once again, it is my honor to congratulate the men and women of Dover Air Force Base for their service and dedication.●

IN HONOR OF DETECTIVE RONALD GARLAND

● Mr. CARPER. Mr. President, today I commend detective Ronald Garland of the Delaware State Police High Technology Crimes Unit.

Just more than 1 year ago, Detective Garland was assigned to a case involving Internet predators taking advantage of children.

Inspired by his sense of urgency to protect young children, Detective Garland worked late nights and weekends, often without compensation, sifting through voluminous computer data.

Today, we honor him for his exhaustive work to help identify 10 suspects and to coordinate their arrests with local law enforcement agencies. His great efforts ultimately lead to the prosecutions of these culprits in Federal court.

Detective Garland's concern for the children in our community and his willingness to go above and beyond the call of duty has garnered our great respect and admiration.

I salute Detective Garland as a hero for keeping our children safe, and I urge others to follow his brilliant example. His determination and meticulous investigative work are truly commendable.

Detective Garland is truly a hero for the State of Delaware and for our entire Nation and its children.●

RECOGNIZING MICHAEL P. PRICE

● Mr. DODD. Mr. President, it is with great pleasure that today I honor Mr. Michael P. Price on his 40th anniversary as executive director of Goodspeed Musicals in East Haddam, CT.

Since assuming the role of executive director in 1968, Mr. Price has produced more than 200 musicals, including 63 world premiere productions. Sixteen of the musicals Mr. Price premiered at Goodspeed Musicals ultimately made their way to Broadway, including now world-famous productions such as ''Shenandoah'' and ''Annie.''

During his 40 years of service at Goodspeed Musicals, Mr. Price has shared his talent and vision with more than 5,000 actors, directors, musicians, and technicians and has touched the lives of 4 million theatergoers, captivating and inspiring audiences of all ages.

Goodspeed Musicals' commitment to the advancement of musical theater is world renowned, and the theatre is considered by many to be the ''Home of the American Musical.'' Goodspeed is also the only theatre in America to have received two Tony Awards for Excellence in Theatre, once in 1980 and again in 1995. These tremendous distinctions are thanks, in no small part, to the leadership, talent, and dedication of its Executive Director.

Mr. Price's dedication to the arts and the community extends well beyond the walls of Goodspeed Opera House. Mr. Price currently serves as chairman of the Connecticut Commission on Culture and Tourism and was the longest serving Connecticut arts commissioner. Mr. Price is also an active member in the national theatrical community, serving as treasurer of the American Theatre Wing and a member of the Tony Management Committee.

Today, I have the distinct pleasure and honor of joining Mr. Price's wife, Jo-Ann Nevas, his children, Daniel and Rebecca, and the many members of the Goodspeed community in extending my most sincere congratulations to Mr. Price for all of his achievements. I know I speak for many across Connecticut and around the world who have been touched by Mr. Price's work when I say that I look forward to many more years of his continued presence and vision at Goodspeed Musicals.●

COLUMBIA PACIFIC BUILDING AND CONSTRUCTION TRADES COUNCIL

● Mr. SMITH. Mr. President, today I wish to congratulate the Columbia Pacific Building and Construction Trades Council on their 100th anniversary. The Columbia Pacific Building and Construction Trades Council represents 25 different crafts across the entire construction spectrum, including: asbestos workers, boilermakers, brick and stone masons, cement masons, carpenters, electricians, elevator constructors, glaziers, ironworkers, laborers, linoleum and carpet layers, millwrights, operating engineers, painters and tapers, pile bucks, plasterers, plumbers, pipe fitters and steamfitters, roofers, sheet metal workers, sprinkler fitters and teamsters. The men and women who fill these jobs are some of the most impressive workers I have seen, devoted not only to their job, but to the safety of their coworkers.

The Columbia Pacific Building and Construction Trades Council is committed to the highest level of professionalism. These building experts have honed their skills through years of practice, starting with an extensive apprenticeship and journey level program. The Columbia Pacific Building and Construction Trades Council is known for its apprenticeship program, recognized as one of the best in the country. It is this professionalism that the men and women of the building and construction trades learn early on and continue to demonstrate throughout their careers.

This Nation will continue to grow and prosper because of our unrivaled workforce. However, workers of this caliber can only be produced in the proper work environment. The Columbia Pacific Building and Construction Trades Council ensures that workers have a voice. They stress the importance of providing a fair wage to those in the building and construction trades. Further, the council advocates for safe working conditions and ensuring Americans are trained workers to meet our country's 21st century needs.

I am very proud to stand on the Senate floor today and commemorate the men and women of the Columbia Pacific Building and Construction Trades Council. Those of us from frontier states are born with the knowledge that we stand on the edge of wilderness. Since the time of the Oregon Trail, we have known civilization to rest on the shoulders of skilled craftsmen like the Columbia Pacific Building and Construction Trades. And now,

like then, we owe them our debt of gratitude.●

RECOGNIZING UNIT 70 OF THE AMERICAN LEGION AUXILIARY

● Mr. TESTER. Mr. President, today I recognize American Legion Auxiliary Unit 70 out of Judith Gap, MT. Judith Gap is a small town in central Montana with less than 200 residents, but they have a vibrant community where the American Legion plays a key role. The legion supports a whole host of activities, from supporting veterans throughout Montana to throwing local poppy-themed dinners. They provide a great deal for the area, and I ask unanimous consent that the full activities record of American Legion Auxiliary Unit 70 of Judith Gap, MT, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTIVITY REPORT OF THE JUDITH GAP AMERICAN LEGION AUXILIARY

I would like you to become acquainted with the American Legion Auxiliary, Unit No. 70 of Judith Cap. It is located between what is called the Gap between the little Belt Mountains, and the Big Snowy Mountains. It is referred to as the ''Gap'' and is close to the center of Montana. The ''Gap'' is well known for the terrific winds and snows that close the road from all directions. The ''wind farm'' on the prairie a few miles south of town attests to the presence of wind.

It is also known for the many activities of the American Legion Auxiliary. I encourage you to visit our town. We have a school, two churches, grocery store, gas station, cafe, post office, American Legion Hall, fire station, and two bars. We are not BIG like New York City, but we too, are on the map.

Our members are proud to be a part of the largest patriotic organization in the world. We are a ''goal'' unit, and have kept this rating for many years. We really believe in encouraging our eligible girls to join as junior members. Without our youth becoming involved, any organization will die. Like so many worthwhile things, it takes time and effort. We are proud that a member's son only four years old can recite the Pledge of Allegiance and can sing America The Beautiful. Our youth present Old Glory at basketball games and sing the Star Spangled Banner.

I will relate to you a ''bird's eye'' view of what we do:

Surely everyone has seen the red crepe-paper poppies that are made by our veterans. The little red poppies are distributed in May. The money contributed goes to help our veterans. School students enter the poppy poster contest to remember and honor our veterans. Awards are given to the winners. School students write Americanism essays. Awards are given to the winners. We contribute to our Mt. V.A. hospitals and V.A. facilities at Ft. Harrison, Glendive, Miles City, Columbia Falls, and to the V.A. Clinics in Montana.

We have parties for the Legion's birthday, the Americanism Program, the Mental Health Center, We gave gifts to our WWII lady veteran, and to our ''adopted veteran''.

We donated to Freedoms Foundation, Spirit of Youth, Children's Miracle Network, Oloha Scholarship, Girls State, Child Welfare, Community Service, emergency fund, Chapel of four Chaplains, and the U.S.O.

We send Christmas cards, easter cards, phone cards, care packages, and neck coolers to our troops. We collect and send coupons to the receiving centers for the use of Veterans families.

We write letters to our Congressmen to ask them to support bills for veterans benefits, and to prevent flag desecration.

The many activities and programs that we accomplish means we have to make money (oh no. we do not counterfeit) we have a ''fund raiser''. Our main fund raiser is the Memorial Day Dinner. While the legionnaires are performing their ceremony at the cemetery (yes, the wind is blowing and they are holding on to the big American Flag with all of their might) we ladies are getting the dinner ready. The poppy posters made by our students, decorate the hall, poppy centerpieces are on the table, and a basketfull of poppies is in place to receive contributions and to wear a poppy. All has gone well.

We are thankful for all the help we get to finance our programs. The local radio station announces the Memorial Day Dinner—free! The local newspapers publish our meetings and the pictures of Girls State delegates and alternates—free! We have much to be thankful for and are thankful for much.

There is no better feeling, than the feeling we have when we have accomplished the task we set out to do. Through our activities, we have shown we honor and respect our veterans. We shall always remember their sacrifices that have enabled us to live in a free nation, where we are able to express our belief in God, and love of our Country, The United States of America. God bless America.

Dated: April 14, 2008. Respectfully submitted to the office of the Honorable Jon Tester, Senator, United States Senate, Washington, D.C. 20510–2602, for publication in the Congressional Record, From: Avis M. Perry, Unit #70, Judith Gap Legislative Chr., American Legion Auxiliary, Department of Montana, 12 Perry Ranch Ln, Judith Gap, Mt. 59453–81130.●

HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On May 10, 2008, a group of 103 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capital City this trip:

Robert M. Aitken, Jr.; Carl J. Andrews; Louis Armes; Douglas C. Augustin; Earl J. Balser; Palmer R. Barras; Roland N. Barrios; Maurice H. Behrnes; Charles C. Bishop; Jack Bond; Thomas A. Booker, Jr.; John L. Boudreaux; Robert S. Boudreaux; Wilbert P. Braud; Thomas A. Breaux; Theodore A. Castillo; Clarence B. Champagne; Cassuis H. Clay; John H. Coco; Joseph A. Courville; Edwin F. Curry.

Daniel M. Danahay; Leory Derouen; Charles E. Dodd; Lloyd Dubois; Clarence Duff; Aldon Duhon; Joseph Duplechain; Clavin L. Elliott; Alva E. English; Henry L. Fewell, Sr.; John J. Filisky; Rayford Fantenot Leroy J. Gedward; Albert K. Germany; Ed A. Godwin; Ernest E. Goff; Willie B. Goforth; Bobby A. Gunn; Gerald D. Ham; William F. Harvey, Jr.; Albert J. Hebert; Allen L. Hebert; Patrick R. Hebert.

Aloysius G. Hellmers; Willie Herron; Burnell C. Hobgood; John W. Holeman; Daniel F. Hrachovy; Robert J. Hufft; Glen W. Hunt; George H. Jones; Earl A. Karl; Thomas W. Kent; Gus O. Lamperez; John W. Landry, Jr.; Joseph B. Landry; Carroll F. LeBlanc; Cleveland J. LeBlanc; Clement O. Lejeune, Sr.; Lawrence J. Lejeune; Robert H. Littell; Henry J. Louviere, Jr.; Carrol E. Lyons.

Oliver W. Markland, Jr.; Leo J. Matte; Orvin A. Maxwell; Earl E. Mayfield; Van R. Mayhall; Joseph D. McBride; Robert J. McDonald; Francis R. Meaux; Carl L. Meriwether; Joseph N. Mire; Raymond W. Moore, Jr.; George Mouton; James R. Neef; Marion W. Newman; Jules U. Olivier; Reed J. Perilloux; Eugene J. Peyton; Joseph H. Philippe; Walter Pilcher; Wallace Primeaux, Jr.

Alex Prudhomm; Wilfred Racca; Richard C. Robert; George O. Schmidt; George M. Shamblin, Sr.; Albert J. Simon; Howard L. Snider; Eldridge Sonnier; Eli Sorkow; Frank Spell, Jr.; George H. Taix; Earl E. Turner; Lawrence J. Tylock; Curliss P. Vincent; James P. Welsh; Gloria T. White; Edwin P. Whitson; Clarence B. Wiley; Edward Young.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawals and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 5, 2008, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD) on May 6, 2008.

MESSAGE FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 44 U.S.C. 2702, the Minority Leader appoints Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2972. A bill to reauthorize and modernize the Federal Aviation Administration.

S. 2973. A bill to promote the energy security of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6058. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerance'' (FRL No. 8357–3) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6059. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridalyl; Pesticide Tolerances'' (FRL No. 8361–4) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6060. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spirodiclofen; Pesticide Tolerances'' (FRL No. 8362–2) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6061. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–6062. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6063. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals that the Department encourages Congress to adopt as part of the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6064. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Divestment by Registered Investment Companies in Accordance with the Sudan Accountability and Divestment Act of 2007'' (RIN3235–AK05) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6065. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to eliminate the four-year limitation on contracts for the manufacture of distinctive paper for U.S. currency and securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–6066. A communication from the Chairman, National Transportation Safety Board, transmitting a legislative proposal relative to authorization for the National Transportation Safety Board; to the Committee on Commerce, Science, and Transportation.

EC–6067. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Listing the Potential Sonoran Desert Bald Eagle Distinct Population Segment As Threatened Under the Endangered Species Act'' (RIN1018–AW12) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6068. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Georgia: Enhanced Inspection and Maintenance Plan'' (FRL No. 8560–3) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6069. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration and Nonattainment New Source Review'' (FRL No. 8560–2) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6070. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana'' (FRL No. 8559–9) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6071. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restrictions: Site-Specific Treatment Variance for P and U-Listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the Energy Solutions' Facility in Clive, Utah'' (FRL No. 8560–1) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6072. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; West Virginia: Transportation Conformity Requirement'' (FRL No. 8561–2) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6073. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Petroleum Refineries'' ((RIN2060–AN72) (FRL No. 8563–2)) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6074. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution'' (FRL No. 8562–9) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6075. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budgets; State of New Jersey'' (FRL No. 8562–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6076. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Change of Address for Submission of Certain Reports; Technical Correction'' (FRL No. 8563–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6077. A communication from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Import Restrictions Imposed on Archaeological and Ethnological Material of Iraq'' (RIN1505–AB91) received on April 29, 2008; to the Committee on Finance.

EC–6078. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report entitled, ''Country Reports on Terrorism 2007''; to the Committee on Foreign Relations.

EC–6079. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a letter detailing the creation of an Accountability Review Board relative to an attack that occurred in Khartoum, Sudan, on January 1, 2008; to the Committee on Foreign Relations.

EC–6080. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Human Capital Management in Agencies'' (RIN3206–AJ92) received on April 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6081. A communication from the Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–6082. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Grade Retention Modification Act of 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–6083. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–360, ''Compliance Unit Establishment Act of 2008'' received on May 1, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6084. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2007 annual report; to the Committee on the Judiciary.

EC–6085. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to

law, the report of a rule entitled ''Certification Requirements for Imported Natural Wine'' (RIN1513–AB00) received on April 30, 2008; to the Committee on the Judiciary.

EC–6086. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2007–2008 amendment cycle; to the Committee on the Judiciary.

EC–6087. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2007; to the Committee on the Judiciary.

EC–6088. A communication from the Secretary of Veterans Affairs, transmitting draft legislation intended to expand and enhance veterans' benefits; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. DORGAN, Mr. LEVIN, Mr. CASEY, Mr. SANDERS, and Mrs. CLINTON):

S. 2976. A bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2978. A bill to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. WHITEHOUSE):

S. 2979. A bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 2981. A bill to amend the Servicemembers Civil Relief Act to provide a one-year period of protection against mortgage foreclosures for certain disabled or severely injured servicemembers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. ISAKSON, and Ms. STABENOW):

S. 2983. A bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. BARRASSO):

S. Res. 551. A resolution celebrating 75 years of successful State-based alcohol regulation; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. Res. 552. A resolution recognizing the 150th anniversary of the State of Minnesota; considered and agreed to.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 553. A resolution congratulating Charles County, Maryland, on the occasion of its 350th anniversary; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 79. A concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 403

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 661

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 718

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 777

At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 879

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. TESTER), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his

contributions to the fight against global poverty.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 931

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 931, a bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 974

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1499

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1926

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2373

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2373, a bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from

employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2510, supra.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2828

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2886

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions.

S. 2888

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2904

At the request of Mrs. MCCASKILL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2904, a bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

S. 2916

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2963

At the request of Mr. BOND, the names of the Senator from Maine (Ms.

COLLINS), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2963, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 2972

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration.

S.J. RES. 26

At the request of Mrs. DOLE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

S. RES. 541

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 541, a resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

S. RES. 548

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 548, a resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States.

AMENDMENT NO. 4626

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4626 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4640

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4640 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4641 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4655

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4655 intended to be proposed to H. R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4658

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4658 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4685

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 4685 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am introducing the Free Speech Protection Act of 2008 to address a serious challenge to one of the most basic protections in our Constitution. American journalists and academics must have the freedom to investigate, write, speak, and publish about matters of public importance, limited only by the legal standards laid out in our First Amendment jurisprudence, including precedents such as New York Times v. Sullivan. Despite the protection for free speech under our own law, the rights of the American public, and of American journalists who share information with the public, are being threatened by the forum shopping of defamation suits to foreign courts with less robust protections for free speech.

These suits are filed in, and entertained by, foreign courts, despite the fact that the challenged speech or writing is written in the U.S. by U.S. journalists, and is published or disseminated primarily in the U.S. The plaintiff in these cases may have no particular connection to the country in which the suit is filed. Nevertheless, the U.S. journalists or publications who are named as defendants in these suits must deal with the expense, inconvenience, and distress of being sued in foreign courts, even though their conduct is protected by the First Amendment.

The impetus for this legislation is litigation involving Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy, whose articles have appeared in the Wall Street Journal, the National Review, and the Los Angeles Times. She has been a scholar with Columbia University, the University of New York School of Law, and Johns Hopkins, and has testified before Congress. Dr. Ehrenfeld's 2003 book, Funding Evil: How Terrorism is Financed and How to Stop it, which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Ehrenfeld for libel in England, although only 23 books were sold there. Why? Because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S.

Dr. Ehrenfeld did not appear, and the English court entered a default judgment for damages, an injunction against publication in the United Kingdom, a ''declaration of falsity'', and an

order that she and her publisher print a correction and an apology.

Dr. Ehrenfeld sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the ''Libel Terrorism Protection Act.'' Congress must now take similar prompt action. I note that the person who sued Dr. Ehrenfeld has filed dozens of lawsuits in England. There is a real danger that other American writers and researchers will be afraid to address this crucial subject of terror funding and other important matters. England should be free to have its own libel law, but so too should the U.S. England has become a popular venue for defamation plaintiffs from around the world, including those who want to intimidate our journalists. The stakes are high. This legislation is important.

This legislation creates a Federal cause of action and Federal jurisdiction so that Federal courts may determine whether there has been defamation under U.S. law when a U.S. journalist, speaker, or academic is sued in a foreign court for speech or publication in the U.S. The bill authorizes a court to issue an order barring enforcement of a foreign judgment and to award damages.

Freedom of speech, freedom of the press, freedom of expression of ideas, opinions, and research, and freedom of exchange of information are all essential to the functioning of a democracy. They are also essential in the fight against terrorism.

I thank Senator LIEBERMAN for working with me on this important bill.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about our children and, more specifically, children from low-income and working families across the United States who need a good start in life and who need high-quality childcare each and every day while their parents must earn a living.

I believe that here in America every child is born with a bright light shining inside them, and it is our job as Senators to do everything we can, everything we can, to keep that light shining ever brightly.

A child's potential may be limited or boundless, but whatever it is, every child deserves the opportunity to become the person they were born to be. Here in America, every child deserves high-quality childcare and early education.

High-quality childcare gives low-income working families peace of mind while they work. Unfortunately, for the last 7 years, Federal funding for childcare has been essentially frozen. The neglect of Federal funding for childcare during this administration has been unconscionable. What this means is families have been locked out of access to high-quality providers. It means hundreds of thousands of children across the country have been put on waiting lists for childcare because there simply is not enough funding to provide enough slots.

Working parents struggle to find childcare that will be healthy, safe, and affordable. They worry every day about finding quality care. For so many families, this is a very personal issue, especially, of course, for mothers. I remember a mother to whom I spoke in Pennsylvania 10 years ago who was worried about being able to afford childcare for her children. She said something I will never forget. She said because of the worry about childcare, she had a knot in her stomach. I think a lot of families closely identify with and understand what she was talking about.

These are parents who must work. They must therefore leave their children in care that often does not meet all their needs because it is the only choice they can afford.

Here are the facts. The facts show an enormous unmet need in America when it comes to childcare. A couple of points: 365,000 children in America are on waiting lists. In my home State of Pennsylvania, almost 8,000 children are on waiting lists. Across the country, 13.5 million children who are eligible, eligible for Federal childcare assistance, do not get it. That is an abomination. That is an embarrassment. It is a black mark on America.

Let me say that number again: 13.5 million children who are eligible for childcare assistance are not getting it. The population of my home State of Pennsylvania is a little less than 12.5 million. So if that group of children who are eligible but not getting the childcare assistance, if that were considered a State, it would be about the fifth largest State in the country.

So 13.5 million children who should be getting help are not getting it through our childcare system.

Childcare providers working hard every day caring for and educating our children are barely paid above the poverty level, with little or no benefits. The average wage for a childcare worker is $9.05 an hour, which on an annual basis works out to $18,820, barely above the poverty level. Yet we charge them with the responsibility of caring for and nurturing and educating so many of our children.

Finally, the last fact: parents must struggle to afford childcare and face impossible choices between losing their jobs or leaving their children in less-than-ideal care. I believe the price for holding down a good-paying job should not be problems with and worries about childcare.

Low-income families also spend much higher percentages of their income on childcare, often bringing that family to the breaking point. This is all wrong. Our priorities are literally upside down.

That is why I am announcing today a bill I introduced today, the Starting Early, Starting Right Act. The Starting Early, Starting Right Act. I will go through a couple of the provisions.

In summary. First of all, my bill on childcare will move hundreds of thousands of children on State waiting lists into high-quality childcare. The bill will meet the needs of underserved children such as English language learners, children with developmental disabilities and other special needs, children living in very poor communities, and children in rural areas, to ensure we reach children most in need of high-quality childcare.

Next, our bill will ensure States will visit and monitor childcare providers on an announced as well as unannounced basis every year. Fourth, our bill will require childcare providers who are licensed or registered to participate in 40 hours of training before they work with children as well as 24 hours on an ongoing annual basis.

Next we will expand parents' access to high quality childcare opportunities by requiring States to pay childcare providers rates based upon the actual and current cost of care, what advocates know to be the 75th percentile level.

Finally, it encourages States to exceed this rate for special populations of children with greater needs. This bill will improve access to high quality care for infants and toddlers by setting aside 30 percent of the bill's funding for this underserved group of children. Finally, this bill will provide greater funding for quality initiatives and encourage more States to adopt quality rating provisions to improve the quality of their programs. Quality rating improvement systems, known by the acronym QRIS, such as the successful program in Pennsylvania, the Pennsylvania STARS program, give providers benchmarks as well as resources to continually improve the quality of care.

I wanted to share one story before I conclude, a story about the powerful impact of high quality childcare on children and families. This story was shared with our office by a childcare provider from southeastern Pennsylvania about a family I will not identify to respect their privacy. One of the children was a 3-year-old boy. I will call him, for purposes of this presentation, Sammy. Sammy started in childcare along with his older sister and younger brother when his mother was evicted from her house following divorce. Sammy's father did not pay child support but, luckily, Sammy's grandmother took them in. They all lived in a tiny two-bedroom apartment.

Dropoffs at the childcare center were difficult for this young child. With all the recent changes and trauma in his life, he was scared about his mother leaving. His mother would apologize to the staff, saying she never worked before and the children were not used to childcare.

The childcare worker always assured Sammy's mother that it was no problem and that no apologies were necessary. Unfortunately, a few weeks later, Sammy's mom showed up one day in tears. She confided to the childcare worker that she had not been able to find a job and was now so desperate she had to use food stamps. She had gone to the store by bus, getting there through the public transit system. The cashier treated her disrespectfully. Because of that, she was understandably humiliated, and she began to feel hopeless and afraid she would never find a job to support her three children. But at that moment, when that mother was at her greatest need and when the family was in need, the childcare center in southeastern Pennsylvania rallied around this mother and her children. Over the next 2 years the staff of the center encouraged and supported her while she found a job, went back to school, and eventually moved out of her mother's house into an apartment of her own.

Her oldest daughter was very successful and attended school with the center through first grade. She was then evaluated for the gifted program when she went to public school and second grade. The youngest son blossomed and made it through family growing pains with little difficulty. Finally, Sammy had some problems, but they were able to get the help needed because of the generosity and commitment of the people who worked in this childcare center. During that time the staff, led by the director, helped raise money for Christmas presents, doctors' bills, and Sammy's mother's application to take her pharmacy assistant's license exam.

When this childcare worker left the center, Sammy's mom told her what a profound difference the staff at the center had made in her life and in the lives of her children. Like so many in our country, this group of skilled, caring, and professional early childhood educators made it possible for this family to overcome so many obstacles.

The childcare worker told our staff recently:

[Sammy] is the kid I think about when people ask me why I do what I do.

That is what that childcare worker said about her commitment to the care of children and to that child and his family. This is what quality childcare can mean in the real world to a struggling family. It may be the difference between literally failure and success for countless families. Sometimes it can mean sheer survival. This is one example of childcare providers and families such as Sammy's all across the country. These are quiet victories we never hear much about, but they are literally life changing in impact.

Increasing funding for childcare is not only the right thing to do, it is the smart thing, especially for at-risk children and children from low-income families. Research shows that high quality childcare helps low-income children enter school ready to succeed. One study found that children in high quality childcare demonstrated greater mathematical ability and thinking and attention skills and had fewer behavioral problems than any other children in second grade. I won't put the entire report in the RECORD, but the title of that first study is ''The Children of the Cost, Quality and Outcome Study Go to School.'' This is a June 1999 report by the University of North Carolina at Chapel Hill, University of Colorado Health Sciences Center, University of California at Los Angeles, and Yale University. Several others have mentioned this, but other studies have shown that low-income children who enroll in high quality early care and education programs score higher on reading, vocabulary, math, and cognitive tests, and are less likely to be held back a grade or to be arrested as a youth, and are more likely to attend college than their peers who do not enroll in such programs.

Although the peace of mind for parents that comes from knowing their children are well cared for cannot be measured, the impact on stable employment can. Studies show that parents who receive childcare assistance are much more likely to remain in the workforce. The study I refer to that made these findings is a briefing paper by the Economic Policy Institute which is entitled ''Staying Employed After Welfare.'' The subheading is ''Work supports and job quality vital to employment tenure and wage growth.''

Finally, there is no question that starting early and right is truly the right thing to do. The evidence supporting high quality childcare is overwhelming and irrefutable. The evidence tells us we can keep that bright light alive in the heart and soul of every child. We can give them what they need to get a good, solid start in their lives, if only we make that choice to support high quality childcare, if only we make that a priority.

I urge my colleagues in the Senate to support this bill, the Starting Early, Starting Right Act. As of now nearly 50 national and State organizations across the country have endorsed this legislation. They know, as so many of us do, that investing in early care for children is the right and the smart thing to do. It is time we put our focus and priorities back where they belong, on our children. In doing so, it will help every child become the person they were born to be.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. This legislation would reauthorize and improve the Runaway and Homeless Youth Act, RHYA. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

The prevalence of homelessness among young people in America is shockingly high. The problem is not limited to large cities. Its impact is felt strongly in smaller communities and rural areas as well. It affects our young people directly and reverberates throughout our families and communities. That this problem continues in the richest country in the world means that we need to redouble our commitment and our efforts to safeguard our Nation's youth. We need to support the dedicated people in communities across the country who work to address these problems every day.

On April 29, the Senate Judiciary Committee held a hearing to focus the Senate's attention on these problems and to identify and develop solutions to protect runaway and homeless youth. It was the first Senate hearing on these matters in more than a decade. We heard from a distinguished panel of witnesses, some of whom spoke firsthand about the significant challenges that young people face when they have nowhere to go.

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

The Justice Department estimated that 1.7 million young people either ran away from home or were thrown out of their homes in 1999. Another study suggested a number closer to 2.8 million in 2002. Whether the true number is one million or five million, young people become homeless for a number of reasons, ranging from abandonment to running away from an abusive home to having no place to go after being released from state care. An estimated 40 to 60 percent of homeless children are expected to experience physical abuse, and 17 to 35 percent experience sexual abuse while on the

street, according to a report by the Department of Health and Human Services. Homeless youth are also at greater risk of mental health problems. While many receive vital services in their communities, others remain a hidden population, on the streets of our big cities and in rural areas like Vermont.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I hope that we will do so again this year. While some have tried to end these programs, a bipartisan coalition has worked to preserve and continue the good that is accomplished through them. I remember Senator SPECTER's efforts early in his Senate career to preserve these programs when he chaired the Judiciary Committee's Subcommittee on Juvenile Justice. The Runaway and Homeless Youth Act and the programs it funds provide a safety net that helps give young people a chance to build lives for themselves, and helps reunite youngsters with their families. Given the increasingly difficult economic conditions being experienced by so many families around the country, it is time to recommit ourselves to these principles and programs.

Under the Runaway and Homeless Youth Act, every State receives a Basic Center grant to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grant program. The transitional living program grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The outreach grants are used to target youth susceptible to engaging in high-risk behaviors while living on the street.

Our bill makes improvements to the Runaway and Homeless Youth Act reauthorizations of past years. It doubles funding for States by instituting a minimum of $200,000, which will allow states to better meet the diverse needs of their communities. This bill also requires the Department of Health and Human Services to develop performance standards for grantees. Providing program guidelines would level the playing field for bidders, ensure consistency among providers, and increase the effectiveness of the services under the Runaway and Homeless Youth Act. In addition, our legislation develops an incidence study to better estimate the number of runaway and homeless youth and to identify trends. The incidence study would provide more accurate estimates of the runaway and homeless youth population and would help lawmakers make better policy decisions and allow communities to provide better outreach.

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services. In one recent year, the street outreach programs in Vermont served nearly 10,000 young people.

The overwhelming need for services is not limited to any one state or community. Many transitional living programs are forced to turn away young people seeking shelter. We heard testimony of an exemplary program within blocks of our nation's Capitol that has a waiting list as long as a year. This is unacceptable. The needs in our communities are real, and reauthorizing the law will allow these programs to expand their enormously important work.

These topics are difficult but deserve our attention. Finding solutions to this growing problem is an effort we can all support. I thank Senator SPECTER for joining with me and urge all Senators to support prompt passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Runaway and Homeless Youth Protection Act''.

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

''(A) safety and structure;

''(B) belonging and membership;

''(C) self-worth and social contribution;

''(D) independence and control over one's life; and

''(E) closeness in interpersonal relationships.''.

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

''(i) safe and appropriate shelter provided for not to exceed 21 days; and''; and

(2) in subsection (b)(2)—

(A) by striking ''$100,000'' and inserting ''$200,000'';

(B) by striking ''$45,000'' and inserting ''$70,000''; and

(C) by adding at the end the following: ''Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.''.

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking ''and'' at the end;

(2) in paragraph (12) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(13) shall develop an adequate emergency preparedness and management plan.''.

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''indirectly'' and inserting ''by contract''; and

(B) by striking ''services'' the first place it appears and inserting ''provide, directly or indirectly, services,'';

(2) in paragraph (2), by striking ''a continuous period not to exceed 540 days, except that'' and all that follows and inserting the following: ''a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 635-day period;'';

(3) in paragraph (14), by striking ''and'' at the end;

(4) in paragraph (15), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(16) to develop an adequate emergency preparedness and management plan.''.

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''give special consideration to'' and inserting ''prioritize'';

(B) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) positive youth development service delivery methods, providing links to community services, promoting mental and physical health development, enabling youth to obtain and maintain housing after program completion, and developing self-sufficiency competencies;''

(2) in subsection (c)—

(A) by inserting ''for eligibility and selection'' after ''priority'';

(B) by striking ''shall give'' and inserting the following: ''shall—''

''(A) give'';

(C) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(B) ensure that the applicants selected—

''(i) are geographically representative of regions of the United States; and

''(ii) carry out projects that serve diverse populations of homeless youth.''.

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

"SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

''(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Runaway and Homeless Youth Protection Act, and at 5-year intervals thereafter, the Secretary shall prepare, and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a written report that—

''(1) contains an estimate, obtained by using the best quantitative and qualitative social science research methods available, of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age; and

''(2) includes with such estimate an assessment of the characteristics of such individuals.

''(b) CONTENT.—Each assessment required by subsection (a) shall include—

''(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age to determine past and current—

''(A) socioeconomic characteristics of such individuals; and

''(B) barriers to such individuals obtaining—

''(i) safe, quality, and affordable housing;

''(ii) comprehensive and affordable health insurance and health services; and

''(iii) incomes, public benefits, supportive services, and connections to caring adults; and

''(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

''(c) IMPLEMENTATION.—If the Secretary enters into any agreement with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.''.

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting ''public and'' after ''priority to''.

SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

"SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

''(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

''(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runaway and homeless youth (including youth considering running away); and

''(2) encouraging parents and guardians, educators, health care professionals, social service professionals, law enforcement officials, stakeholders, and other community members to assist youth described in paragraph (1) in averting or resolving runaway and homeless situations.

''(b) USE OF FUNDS.—Amounts made available to carry out this section for the national awareness campaign may only be used for the following:

''(1) Dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

''(2) Evaluation of the effectiveness of the activities described in paragraphs (1) and (5).

''(3) Development of partnerships with national organizations concerned with youth homelessness, community-based youth service organizations, including faith-based organizations, and government organizations to carry out the national awareness campaign.

''(4) Conducting outreach activities to stakeholders and potential stakeholders in the national awareness campaign.

''(5) In accordance with applicable laws (including regulations), development and placement in telecommunications media (including the Internet and related technologies, and emerging technologies) of public service announcements that educate the public on—

''(A) the issues facing runaway and homeless youth (including youth considering running away); and

''(B) the opportunities that adults have to assist youth described in subparagraph (A).

''(c) PROHIBITIONS.—None of the amounts made available to carry out this section may be obligated or expended for any of the following:

''(1) To fund public service time that supplants pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies for the national awareness campaign, or to fund activities that supplant pro bono work for the national awareness campaign.

''(2) To carry out partisan political purposes, or express advocacy in support of or opposition to any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

''(3) To fund advertising that features any elected official, person seeking elected office, cabinet level official, or other Federal employee employed pursuant to section 213.3301 or 213.3302 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(4) To fund advertising that does not contain a primary message intended to educate the public on the issues and opportunities described in subsection (b)(5).

''(5) To fund advertising that solicits contributions from both public and private sources to support the national awareness campaign.

''(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall cause to be performed—

''(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

''(2) audits to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

''(e) REPORT.—The Secretary shall include in each report submitted under section 382(a) a summary of information about the national awareness campaign that describes—

''(1) the strategy of the national awareness campaign and whether specific objectives of the campaign were accomplished;

''(2) steps taken to ensure that the national awareness campaign operated in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

''(3) all grants or contracts entered into with a corporation, partnership, or individual working on the national awareness campaign.''.

SEC. 9. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking '', and E'' and inserting '', E, and F''.

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking '', and E'' and inserting '', E, and F''.

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking '', or E'' and inserting '', E, or F''.

SEC. 10. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 8, is amended by inserting after section 386 the following:

"SEC. 386A. PERFORMANCE STANDARDS.

''(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities that receive grants under sections 311, 321, and 351.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

''(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under parts A, B, and E.''.

SEC. 11. APPEALS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) as amended by section 10, is further amended by inserting after section 386A the following:

"SEC. 386B. APPEALS.

''(a) ESTABLISHMENT OF APPEAL PROCEDURE.—Not later than 6 months after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall establish by rule an appeal procedure to enable applicants to obtain timely reviews of the amounts of grants made, and the denials of grants requested, under this title.

''(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the appeal procedure required by subsection (a).''.

SEC. 12. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''The'' and all that follows through ''means'' and inserting ''The term 'homeless', used with respect to a youth, means''; and

(2) in subparagraph (A)(ii), by striking ''not less than 16 years of age'' and inserting ''not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being

eligible for the 635-day length of stay authorized by section 322(a)(2); and''.

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''is authorized'' and inserting ''are authorized'';

(B) by striking ''part E) $105,000,000 for fiscal year 2004'' and inserting ''parts E and F) $150,000,000 for fiscal year 2009''; and

(C) by striking ''2005, 2006, 2007, and 2008'' and inserting ''2010, 2011, 2012, and 2013''; and

(2) in paragraph (4)—

(A) by striking ''is authorized'' and inserting ''are authorized''; and

(B) by striking ''such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008'' and inserting ''$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013''; and

(3) by adding at the end the following:

''(5) PART F.—There is authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.''.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

The Veterans' Benefits Enhancement Act of 2008 consists of several provisions addressing a range of VA care and services. Title I entails adjustments to education benefits currently offered by VA. Title II addresses disability claims adjudication, memorials affairs, insurance and specially adapted housing. Title III addresses health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. Title IV addresses VA police officers and VA medical facility leases.

Title I of the bill would make several administrative and housekeeping changes to VA's education programs, allowing for faster and more efficient claims adjudication. Among other changes, this title would eliminate the requirement that a student file an application with VA upon changing his or her program of study while remaining enrolled at the same school and eliminate the requirement that wages must be earned in order to participate in VA's full-time on-job training, OJT, program.

Title II would make changes to disability claims adjudication, memorial affairs, insurance and specially adapted housing. Specifically, it would explicitly authorize VA to stay temporarily its adjudication of a pending claim before a VA regional office or the Board of Veterans' Appeals, when a Federal Circuit appeal on the relevant issue is pending. It would also authorize the Board to decide cases out of docket-number order when a case has been stayed or when there is sufficient evidence to decide a claim, but a claim with an earlier docket number is not ready for decision. This title of the bill would also extend full-time and family SGLI coverage to Individual Ready Reservists.

Title III pertains to health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. It would make permanent VA's authority to provide non-institutional extended care services either directly, by contract, or by another provider or payor. It would also extend VA's obligation to provide nursing home care to veterans with a service-connected disability rated at 70 percent or greater until December 31, 2013, and VA's authority to establish non-profit research corporations through the same date. This title would also repeal requirements that VA produce certain reports and make permanent VA's authority to assign enrollment priority category 6 to those veterans who participated in chemical and biological warfare testing at DOD's Deseret Test Center from 1962 to 1973.

The fourth and final title of this bill would permit VA police officers to carry firearms and conduct investigations of crimes that occurred on VA property, while off VA property in an official capacity. It also would increase the uniform allowance of VA police officers, to ensure they do not have to pay out-of-pocket for uniform maintenance. Finally, it would raise the threshold for congressional authorization for major medical facility leases from $600,000 to $1,000,000.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As Chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2984

Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Enhancement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION MATTERS

SEC. 101. ELIMINATION OF REPORTING REQUIREMENT FOR PRIOR TRAINING.

Section 3676(c)(4) is amended by striking ''and the Secretary''.

SEC. 102. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking ''ten'' and inserting ''five''.

SEC. 103. ELIMINATION OF CHANGE-OF-PROGRAM APPLICATION.

Section 3691(d) is amended—

(1) by inserting ''(1)'' following ''another program if—'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D);

(3) at the end of subparagraph (C), as redesignated by paragraph (2) of this section, by striking ''or''; and

(4) by striking the period and inserting '';or

''(2) the change from one program to another is at the same educational institution and that educational institution finds that the new program is suitable to the veteran's or person's aptitudes, interests, and abilities as shall be evidenced by its certification to the Secretary of such veteran's or person's enrollment in the new program.''

''In the case of a change of program described in paragraph (2), the veteran or person will not be required to apply to the Secretary for approval of such change.''.

SEC. 104. ELIMINATION OF WAGE EARNING REQUIREMENT FOR SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

''(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2).''.

TITLE II—OTHER BENEFITS MATTERS

SEC. 201. STAYING OF CLAIMS.

(a) IN GENERAL.—Chapter 5 is amended by inserting before section 502 the following new section:

§ 501A. Staying of claims

''(a) Notwithstanding any other provision of this title, the Secretary may temporarily stay the adjudication of a claim or claims before the Board of Veterans' Appeals or an agency of original jurisdiction when the Secretary determines that the stay is necessary to preserve the integrity of a program administered under this title.

''(b) The Secretary shall issue regulations describing the factors the Secretary will consider in determining whether and to what extent a stay is warranted.

''(c) A claimant or claimants may petition for review of an action under a regulation prescribed in accordance with this section. Such review may be sought only in the United States Court of Appeals for the Federal Circuit, which may set aside such action if it determines that the action is arbitrary and capricious.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 501 the following new item: ''501A. Staying of claims.''.

(c) EFFECTIVE DATE.—The provisions of section 501A, as added by subsection (a) of this section, shall apply to—

(1) any claim for benefits under any law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 202. MANAGEMENT OF BOARD OF VETERANS' APPEALS DOCKET.

(a) IN GENERAL.—Section 7107(a)(1) is amended by inserting before the period at the end the following: '', but the Board may consider and decide a particular case before another case with an earlier docket number if the earlier case has been stayed, or if a decision on the earlier case has been delayed for any reason and the later case is fully developed and ready for decision''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to—

(1) any claim for benefits under a law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 203. AUTHORIZATON OF MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce'' and inserting ''a surviving spouse who had a subsequent remarriage''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 204. PERMANENT AUTHORITY FOR VA TO FUND CONTRACT MEDICAL DISABILITY EXAMINATIONS.

REPEAL OF EXPIRATION OF AUTHORITY TO FUND CONTRACT MEDICAL EXAMINATIONS USING APPROPRIATED FUNDS.—Section 704 of the Veterans Benefits Act of 2003 (Public Law 108–183; 117 Stat. 2651; 38 U.S.C. 5101 note), is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking ''TEMPORARY'' from the heading of section 704.

SEC. 205. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) In general—Subparagraph (C) of section 1967(a)(1) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 1967(a)(5) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''; and

(B) Subparagraph (B) of section 1969(g)(1) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (8) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking ''(which shall be the same for all such members)''.

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking ''under this subchapter'' and inserting ''and Veterans Group Life Insurance under this subchapter''.

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made in subsection (a) of this section shall take effect on the date of enactment of this Act.

(2) The amendment made by subsection (b) of this section shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code, that begins on or after the date of enactment of this Act.

(3) The amendment made by subsection (c) of this section shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107–14; 115 Stat. 25).

(4) The amendment made by subsection (d) of this section shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the United States Armed Forces on or after the date of enactment of this Act.

SEC. 206. PERMIT VA TO PROVIDE TEMPORARY RESIDENCE ASSISTANCE GRANTS TO CERTAIN ACTIVE DUTY SERVICEMEMBERS.

Section 2101(c) is amended to read as follows:

''(c) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability described in this section if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under this chapter.''.

SEC. 207. DESIGNATON OF VA OFFICE OF SMALL BUSINESS PROGRAMS.

The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

TITLE III—HEALTH CARE MATTERS

SEC. 301. NONINSTITUTIONAL EXTENDED CARE SERVICES.

(a) Section 1701(10) is repealed.

(b) Section 1701(6) is amended—

(1) by redesignating subparagraphs (E) and (F) as (F) and (G), respectively; and

(2) by adding the following new subparagraph (E):

''(E) Noninstitutional extended care services, including alternatives to institutional extended care which the Secretary may furnish (i) directly. (ii) by contract, or (iii) (through provision of case management) by another provider or payor.''.

SEC. 302. EXTENSIONS OF CERTAIN AUTHORITIES.

(a) NURSING HOME CARE.—Subsection (c) of section 1710A is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) RESEARCH CORPORATIONS.—Section 7368 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(c) RECOVERY AUDITS.—Section 1703(d) is amended in paragraph (4) by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 303. PERMANENT AUTHORITY FOR VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

Subsection (e) of section 1710 is amended by striking paragraph (3)(D).

SEC. 304. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—Section 8107 is repealed.

SEC. 305. AMENDMENTS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public

Law 102–585; 106 Stat. 4943; 38 U.S.C. 527 note) is amended in subsection (c)(1), by striking ''Not later than March 1 of each year'' and inserting ''Not later than July 1, 2008, and July 1 of each of the five following years''.

SEC. 306. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

''(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.''.

SEC. 307. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting new subsection (c) as follows:

''(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.— Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting new subsection (c) as follows:

''(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

''(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

''(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

''(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.''.

SEC. 308. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

Section 7332(b)(2) of such title is amended by adding at the end thereof the following new subparagraph:

''(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

''(ii) In this subparagraph, the term 'representative' means an individual, organization or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.''.

SEC. 309. PROVISION OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER.

Subchapter I of Chapter 17 of title 38, United States Code, is amended—

(1) by adding at the end the following new section:

§ 1709. Provision of health-plan contract information and social security number

''(a) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with such current information as the Secretary may require to identify any health-plan contract, as defined in section 1729 (i)(1) of this title, under which such individual is covered, to include, as applicable, the name, address, and telephone number of such health-plan contract; the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract; the plan number, and the plan's group code.

''(b) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care and services under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with the individual's social security number and the social security number of any dependent or Department of Veterans Affairs' beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such benefit. This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

''(c) The Secretary shall deny the individual's application for, or may terminate the individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if the individual does not provide the social security number required or requested to be furnished pursuant to subsection (b) of this section. The Secretary, following such denial or termination, may, upon receipt of the information required or requested under subsection (b), approve the individual's application or reinstate the individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

''(d) Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency.''.

(2) by amending the table of sections for such subchapter by adding at the end thereof the following new item: §1709. Provision of health-plan contract information and social security number.''

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

''(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

''(A) enforce Federal laws;

''(B) enforce the rules prescribed under section 901 of this title;

''(C) enforce traffic and motor vehicle laws of a state or local government within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable state or local law. Any such enforcement shall be by issuance of a citation for violation of such law;

''(D) carry the appropriate VA-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

''(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of VA, consistent with agreements or other consultation with affected local, state, or Federal law enforcement agencies; and

''(F) carry out, as needed and appropriate, the duties described in subparagraphs (A)–(E) of this subsection when engaged in duties authorized by other Federal statutes.''.

(B) by striking paragraph (2) and renumbering paragraph (3) as paragraph (2) and adding '', and on any arrest warrant issued by competent judicial authority'' before the period.

(2) by amending subsection (c) to read:

''(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.''.

SEC. 402. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

(1) by striking the matter in subsection (b) and inserting:

''(b) The amount of the allowance that the Secretary may pay under this section will be the lesser of—

''(1) the amount currently allowed as prescribed by the Office of Personnel Management; or

''(2) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

''During any fiscal year no officer will receive more than the amount established under this subsection.''.

(2) by striking the matter in subsection (c) and inserting:

''(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.

SEC. 403. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES REQUIRING CONGRESSIONAL APPROVAL.

Section 8104(a)(3)(B) is amended by striking ''$600,000'' and inserting ''$1,000,000''.

THE SECRETARY
OF VETERANS AFFAIRS,
Washington, April 25, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: We are transmitting the ''Veterans' Benefits Enhancement Act of 2008,'' a draft bill ''[t]o amend title 38, United States Code, to expand and enhance

veterans' benefits, and for other purposes.'' The Department of Veterans Affairs (VA) requests that the bill be referred to the appropriate committee for prompt consideration and enactment.

VA's draft bill contains four titles that address improvements to education, health care, and other benefits, as well as other miscellaneous matters. Enclosed please find a section-by-section analysis, which includes cost estimates.

The provisions of title I dealing with education matters would eliminate the requirement that certain institutions report to VA any credit granted a student for prior training, modify the waiting period before affirmation of enrollment in a program pursued exclusively by correspondence, eliminate the requirement that an individual report to VA for approval a second change of program pursued while enrolled at the same institution, and eliminate the wage-earning requirement for self-employment on-job training.

Title II of the draft bill deals with miscellaneous provisions that would permit VA to stay temporarily its adjudication of claims while awaiting pending court decisions, clarify that the Board of Veterans' Appeals may decide certain cases out of docket-number order, permit VA to furnish a memorial headstone or marker for certain deceased surviving spouses of veterans, make permanent VA authority to contract for medical disability examinations, modify servicemembers' group life insurance coverage, permit VA to provide Temporary Residence Assistance grants to certain active-duty servicemembers, and designate the office required to be established by the Small Business Act (15 U.S.C. §644(k)) as the Office of Small Business Programs.

Title III addresses a number of significant health care matters. One of the major provisions would authorize the Secretary to require that recipients of, and applicants for, medical care and services provide their health-plan contract information and social security numbers upon request. This would allow VA to enhance revenue collection from health insurance carriers and ensure the accurate identification of medical care applicants by a single unique identifier, thus facilitating VA medical care eligibility determinations.

Other key provisions of title III would provide for several needed program extensions, including the Department's mandate to provide nursing home care to veterans with service-connected disabilities of 70 percent or greater and to those who need such care for the treatment of a service-connected disability. Another provision of title III would allow VA to establish additional nonprofit research corporations. There is also a measure to extend VA's authority to conduct its audit-recovery program, which assists in identifying erroneous payments or overpayments made under fee-basis contracts or other medical services contracts. The audit program has achieved notable success in the amounts recovered. All of these are important authorities that should not be allowed to lapse.

We also propose to amend 38 U.S.C. §7332 to allow VA providers to disclose information related to a patient's treatment of drug abuse, alcoholism and alcohol abuse, infection with the human immunodeficiency virus, and sickle cell anemia to that patient's authorized surrogate when the patient lacks decision-making capacity but has not expressly authorized the release of that information to that surrogate. The terms of the provision are very narrowly drawn to permit disclosure of this information only when clinically relevant to the treatment decision that the surrogate is being asked to make and are consistent with widely-accepted ethical standards for informed consent. In its report, Disclosing Patients' Protected Health Information to Surrogates (February 2005), VHA's National Ethics Committee concluded that, in light of significant legal protections now in place regarding employment discrimination based on personal health status and the confidentiality of personal health information, the current section 7332 prohibition against the disclosure of clinically-relevant medical information to surrogate decision makers is no longer justifiable. Moreover, the Committee concluded that 38 U.S.C. §7332 places clinicians in the ethically untenable position of being required to obtain informed consent from the surrogate decision maker on behalf of a patient who lacks decision-making capacity, while being unable to disclose to the surrogate this significant clinical information without which there can be no full and informed consent.

Key provisions of Title IV of the draft bill would make long-needed improvements to VA's Security and Law Enforcement Program, and enable our police officers to more fully perform all of the duties required of their law enforcement positions.

The Office of Management and Budget advises that transmission of this legislative package is in accord with the President's program.

An identical letter has been sent to the President of the Senate.

Sincerely yours,

JAMES B. PEAKE.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 551—CELEBRATING 75 YEARS OF SUCCESSFUL STATE-BASED ALCOHOL REGULATION

Mr. BAUCUS (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 551

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as ''National Prohibition''), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited ''the manufacture, sale, or transportation of intoxicating liquors'' in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled ''An Act divesting intoxicating liquors of their interstate character in certain cases'', approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109–422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a longstanding and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st amendment to the Constitution of the United States;

(2) commends State lawmakers, regulators, law enforcement officers, the public health

community, and industry members for successful collaboration in achieving a workable, legal, and successful system for the distribution and sale of alcoholic beverages; and

(3) reaffirms the continued support of the Senate for policies that allow States to effectively regulate alcohol.

SENATE RESOLUTION 552—RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the ''Gopher State'', the ''North Star State'', and the ''Land of 10,000 Lakes'';

Whereas Minnesota's name comes from the Dakota word ''minesota'', meaning ''water that reflects the sky'', and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

SENATE RESOLUTION 553—CONGRATULATING CHARLES COUNTY, MARYLAND, ON THE OCCASION OF ITS 350TH ANNIVERSARY

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel ''Uncle Tom's Cabin'';

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

SENATE CONCURRENT RESOLUTION 79—CONGRATULATING AND SALUTING FOCUS: HOPE ON ITS 40TH ANNIVERSARY AND FOR ITS REMARKABLE COMMITMENT AND CONTRIBUTIONS TO DETROIT, THE STATE OF MICHIGAN, AND THE UNITED STATES

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was cofounded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired by the work of Dr. Martin Luther King, Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown into one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement reads, ''Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust, and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this movement.'';

Whereas one of Focus: HOPE's early efforts was to support African-American and female employees in a seminal class action suit against the American Automobile Association (AAA), resulting in groundbreaking affirmative action commitments made by AAA;

Whereas Focus: HOPE helped to conceive and develop the Department of Agriculture's Commodity Supplemental Food Program, which has been replicated in more than 32 States, and through this program, Focus: HOPE helps to feed approximately 41,000 people per month throughout southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas, since 1981, Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and surrounding areas in careers in advanced manufacturing and precision machining and has produced nearly 2,300 certified graduates, providing an opportunity for minority youth, women, and others who are often underrepresented in such careers to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs to encourage the participation of underrepresented urban individuals in those critical sectors;

Whereas, in 1982, Focus: HOPE initiated a for-profit subsidiary for community economic development purposes and is now designated with Federal HUBZone status (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

Whereas Focus: HOPE created Fast Track, a pioneering skill-enhancing program designed to help individuals improve their reading and math competencies by a minimum of 2 grade levels in 4 to 7 weeks;

Whereas Focus: HOPE's training and education programs have moved more than 9,600 individuals out into the workforce since the inception of those programs and have job placement rates significantly above the national average;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as the Focus: HOPE Center for Children, which now has served nearly 6,000 children of colleagues, students, and neighbors with quality child care, including

latchkey, summer camp, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented cooperative agreement between the Departments of Defense, Commerce, Education, and Labor, established a national demonstration project, the Center for Advanced Technologies, which integrates hands-on manufacturing training and academic learning and educates advanced manufacturing engineers and technologists at internationally competitive levels;

Whereas Focus: HOPE partnered with 5 universities and 6 industry partners, formerly known as the Greenfield Coalition, to design a unique 21st century curriculum that resulted in students receiving associate's degrees in manufacturing technologies from Lawrence Technological University, or bachelor's degrees in engineering technology or manufacturing engineering from Wayne State University or the University of Detroit Mercy, respectively;

Whereas, due to the unique educational pedagogy at Focus: HOPE's Center for Advanced Technologies, the starting salary of its graduates is higher than the national average of graduates with the same degree from other universities;

Whereas Focus: HOPE has made outstanding contributions in increasing diversity within the traditionally homogenous science, math, engineering, and technology fields, 95 percent of currently enrolled degree candidates are African-American, and the Center for Advanced Technologies is one of the top programs in the United States for graduating minorities with bachelor's degrees in manufacturing engineering;

Whereas Focus: HOPE's unique partnership with the Department of Defense has resulted in several research and development projects, including a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has been deployed to Kuwait in support of the Armed Forces' operations in Afghanistan, Kuwait, and Iraq;

Whereas, in 1995, Focus: HOPE began a community arts program to present multicultural arts programming and gallery exhibitions designated to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and more than 70,000 people have viewed sponsored exhibits or participated in the program;

Whereas, in 1999, Focus: HOPE established an Informational Technologies Center to provide Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 800 students, and initiated, in collaboration with industry and academia, the design of a new bachelor's degree program to educate information management systems engineers;

Whereas, in 2006, the State of Michigan designated Focus: HOPE's campus and the surrounding community a ''Cool Cities'' neighborhood;

Whereas the Secretary of Labor presented Focus: HOPE with an Exemplary Public Interest Contribution Award in recognition of its success in opening employment opportunities for minorities and women;

Whereas the Village of Oakman Manor, a 55-unit senior citizen apartment building sponsored by the Presbyterian Village of Michigan in collaboration with Focus: HOPE, opened in 2006 near the Focus: HOPE campus as the first new construction in the area in more than 50 years;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such entities as the Government Accountability Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune magazine, Forbes magazine, and the Aspen Institute;

Whereas former Presidents George H.W. Bush and William Jefferson Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE's cofounder Eleanor M. Josaitis received honorary degrees from 13 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, was inducted into the Michigan Women's Hall of Fame, received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, the Michigan Chamber of Commerce Award for Distinguished Service and Leadership, and the Dr. Charles H. Wright Award for Excellence in Community Activism, the Caring Institute's National Caring Award, and the Clara Barton Ambassador Award from the American Red Cross, as well as many other awards;

Whereas, through generous partnerships with and the support of individuals from all walks of life, the Federal, State, and local governments, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been fortunate enough to have an active board of directors and advisory board from the most senior levels of corporations and public entities in the United States and has benefitted from thousands of volunteers and supporters;

Whereas Focus: HOPE has been a tremendous force for good in the city of Detroit, the State of Michigan, and in the United States for the past 40 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvements in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Focus: HOPE for appropriate display.

Mr. LEVIN. Mr. President, I am joined by my colleague from Michigan, Senator STABENOW, in introducing a resolution today honoring the 40th anniversary of Focus: HOPE. This resolution was initiated in the House by Representative JOHN CONYERS and cosponsored by the entire Michigan Congressional delegation.

Focus: HOPE, a civil and human rights organization, was founded by the late Father William T. Cunningham and Eleanor Josaitis in the aftermath of the 1967 Detroit riots in one of Detroit's most economically depressed areas. This outstanding organization has established itself as an integral part of the history and fabric of southeast Michigan. The mission of Focus: HOPE is ''to use intelligent and practical action to fight racism, poverty and injustice'' and that mission is as important today as it was when the organization was founded in 1968.

Over the ensuing 40 years, Focus: HOPE has sought to effect positive change in southeast Michigan. I have been honored to witness and take part in the evolution of this fine organization. Education and job training has been at the core of these efforts. By bringing together businesses, foundations, government and individuals in the community, Focus: HOPE has truly made a difference in Detroit and across the state of Michigan and has grown into one of the largest nonprofits in the State. Focus: HOPE has sought to meet the needs of southeast Michigan in a comprehensive fashion through a number of highly successful programs, including the Machinist Training Institute, the Center for Advanced Technology, the Fast Track program, the Center for Children and the Commodity Supplemental Food Program.

Real and meaningful change comes from sustained and committed service. Over the past 40 years, Focus: HOPE has embodied this principle and, along the way, has touched many lives in Southeast Michigan in a profound way. Equipping individuals with the ability to compete and thrive in workplaces that are increasingly technologically advanced is central to its mission. The reward has been thousands of heartwarming success stories from those who have benefitted from the many services Focus: HOPE provides.

This momentous occasion will be marked by several celebrations, including one in the Mansfield Room of the Capitol later today. I know my colleagues join me in congratulating each individual that has contributed to the success of Focus: HOPE from its inception. I wish the organization many more years of successful and committed service to the community.

AMENDMENTS SUBMITTED AND PROPOSED DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May

2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4689. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4690. Mrs. BOXER submitted an amendment intended to be proposed, under authority of the order of the Senate of May 2, 2008, to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4700. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4701. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the

bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

TEXT OF AMENDMENTS DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 11, strike ''200 additional safety inspectors.'' and insert ''at least 200 additional safety inspectors or such greater number as may be provided for by appropriations Acts''.

SA 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional engineering services from the New England Region's engineering offices in Burlington, Massachusetts, and Nashua, New Hampshire, until the Board's recommendations are completed.

(6) Any Federal Aviation Administration facility, service, or function realignment that has not been completed as of the date of enactment of this Act is subject to the requirements of this section.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, between lines 11 and 12, insert the following:

(d) ADDITIONAL TECHNICIANS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration is authorized to hire additional technicians so that the Federal Aviation Administration maintains a minimum of 6,100 technical employees in its Technical Operations Service Unit. The Administrator shall ensure sufficient technicians are employed to account for attrition without falling below the minimum technician staffing level of 6,100.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.

(a) SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(2) RESUMPTION.—

(A) IN GENERAL.—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is $2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is $2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) ADJUSTMENT.—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) ADDITIONAL ACQUISITION REQUIREMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

''(d) ADDITIONAL ACQUISITION REQUIREMENTS.—

''(1) IN GENERAL.—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the 'respective Secretary') shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

''(2) PARTICULAR INCLUSION.—

''(A) DEFINITION OF HEAVY CRUDE OIL.—In this paragraph, the term 'heavy crude oil' means oil with a gravity index of not more than 22 degrees.

''(B) REQUIREMENT.—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

''(3) NEGOTIATION OF DELIVERY DATES.—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

''(4) NATIONAL SECURITY NEEDS.—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.''.

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 717. PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Winter weather in States in cold regions of the United States shortens the period during the year in which construction projects may be carried out in such States.

(2) If review and approval processes for a construction project in such a State is delayed, the project may not be able to be completed in one construction season, adding additional costs to complete the project.

(b) PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.—

(1) REQUIREMENT TO PRIORITIZE.—The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, prioritize the review of construction projects by the Administrator in a manner so that such projects to be carried out in a State described in paragraph (2) are reviewed as early as possible.

(2) STATE DESCRIBED.—A State described in this paragraph is a State in which the weather during a typical calendar year prevents major construction projects from being carried out prior to May 1.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address—

(1) the mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other requirements of the Federal Aviation Administration;

(2) the proper level of staffing;

(3) the timeliness of a response;

(4) the handling of hazardous materials incidents at airports;

(5) proper vehicle deployment; and

(6) the need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practicable, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) SMALL AIRPORT EXEMPTION.—

(1) IN GENERAL.—The Administrator may exempt any airport designated as an Index A or Index B under part 139 of title 14, Code of Federal Regulations, from the rule issued under subsection (a) if such airport petitions for such an exemption, in accordance with regulations promulgated by the Administrator.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, airports that file a petition under paragraph (1) shall be subject to the airport rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, in effect as of the date of the enactment of this Act, until the date on which the Administrator requires that such airports comply with the rule issued under subsection (a).

(g) FINAL RULE.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall issue the final rule required under subsection (a).

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, beginning on line 21, strike through page 214, line 9, and insert the following:

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

''(7) EMERGENCY SPENDING REPLENISHMENT.—

''(A) IN GENERAL.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.

''(B) ALLOCATION.—

''(i) ALLOCATION OF EXCESS REPLENISHMENT AMOUNT.—The fiscal year 2008 Highway Trust Fund excess amount shall be allocated among the accounts of the Highway Trust Fund as follows:

''(I) 80 percent of such amount shall be deposited in the Highway Account.

''(II) 20 percent of such amount shall be deposited in the Mass Transit Account.

''(ii) FISCAL YEAR 2008 HIGHWAY TRUST FUND EXCESS AMOUNT.—For purposes of this subparagraph, the term 'fiscal year 2008 Highway Trust Fund excess amount' means an amount equal to the excess of—

''(I) the amount by which the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as estimated by the Secretary as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008) is estimated by the Secretary to be increased by the enactment of subtitle B of title VIII of the Aviation Investment and Modernization Act, over

''(II) the amount by which the obligations of the Highway Trust Fund for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act) are estimated by the Secretary to exceed the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008).'', and

(2) by striking ''AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES'' in the heading and inserting ''CERTAIN AMOUNTS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(g) and (h)'' and inserting ''(g), (h), and (*l*)''; and

(B) in paragraph (4), by amending such paragraph to read as follows:

''(4) the amount that is the sum of—

''(A) $39,585,075,404; and

''(B) the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986);

for fiscal year 2008; and''; and

(2) by adding at the end the following:

''(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

''(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), an amount that is not less than the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

''(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

''(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

''(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.''.

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading ''(INCLUDING TRANSFER OF FUNDS)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''FEDERAL-AID HIGHWAYS'' under the heading ''FEDERAL HIGHWAY ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended—

(A) by striking ''in excess of $40,216,051,359'' and inserting ''in excess of the amount that is the sum of $40,216,051,359 and the amount

that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986),''; and

(B) by striking ''the $40,216,051,359 obligation limitation'' and inserting ''the obligation limitation in the amount of such sum''.

(2) The matter under the heading ''(INCLUDING RESCISSION)'' under the heading ''(HIGHWAY TRUST FUND)'' under the heading ''(LIMITATION ON OBLIGATIONS)'' under the heading ''(LIQUIDATION OF CONTRACT AUTHORITY)'' under the heading ''FORMULA AND BUS GRANTS'' under the heading ''FEDERAL TRANSIT ADMINISTRATION'' of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking ''$6,855,000,000'' and inserting '', and section 3052 of Public Law 109–59, the amount that is the sum of $6,855,000,000 and the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986)''.

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting '', as amended by the Aviation Investment and Modernization Act of 2008,'' after ''the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users''.

SEC. 813. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1544) is amended by adding at the end the following:

''SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

''(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

''(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

''(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

''(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

''(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

''(1) 30 percent of such amounts for stimulus grants to recipients described in subsection (b)(1); and

''(2) 70 percent of such amounts for stimulus grants to recipients described in subsection (b)(2).

''(d) DISTRIBUTION OF FUNDS.—

''(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

''(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

''(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

''(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

''(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

''(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

''(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

''(e) PRE-AWARD SPENDING AUTHORITY.—

''(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

''(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

''(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

''(g) SELF-CERTIFICATION.—

''(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

''(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

''(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

''(C) that the funds will be used in a manner that will stimulate the economy.

''(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

''(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.''.

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

''(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.''.

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2007'' and inserting ''2009'';

(2) in subparagraph (A), by striking ''2007'' and inserting ''2009''; and

(3) by adding at the end the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''.

SA 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 88, strike line 3 and all that follows through page 89, line 5, and insert the following:

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

''(3) DEFINITIONS.—In this subsection:

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent

of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 313, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a provision that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, after line 25, add the following:

(d) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Section 41718 is amended—

(1) in subsection (a), as amended, by striking ''exemptions from the requirements of subparts K and S of part 93,'' and insert ''from the requirements of subparts K and S of part 93 of title 14,''; and

(2) in subsection (c), as amended, by adding at the end the following:

''(5) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (a), 4 shall be granted without regard to the competition requirement under subsection (a)(2) to air carriers for select routes originating from or terminating at a medium hub airport that is located—

''(A) outside the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109; and

''(B) within a State that contains not fewer than 2 large hub airports that are located within such perimeter.''.

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 4 and 5, insert the following:

''(g) ADJUSTMENT FOR FUEL COSTS.—

''(1) IN GENERAL.—The Secretary shall adjust the rate at which compensation is being paid under this subchapter for fuel costs to ensure that air carriers providing air service or air transportation under this subchapter are adequately compensated, as provided in paragraphs (2) and (3).

''(2) INITIAL ADJUSTMENT.—On the date that is 90 days after the date of the enactment of this Act, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, for the 90-day period beginning on such date of enactment over the average fuel cost per block hour, as reported by the air carrier, during the 90-day period ending on such date of enactment.

''(3) SUBSEQUENT ADJUSTMENTS.—On the date that is 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, in the most recent 90-day period over the average fuel cost per block hour on which the adjustment for the preceding 90-day period was based.

''(4) APPLICABILITY OF OTHER PROVISIONS.—The Secretary shall make the adjustment under paragraph (1) without regard to any adjustment for significantly increased costs under subsection (e).''.

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United

States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term ''covered airline merger'' means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term ''rural areas'' means areas having fewer than 50,000 residents.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to employees that are not executive-level employees.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the

Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 12, strike ''5'' and insert ''7''.

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, strike line 18 and all that follows through page 120, line 21, and insert the following:

SEC. 508. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, all pilots of a helicopter or fixed wing aircraft providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If an aircraft described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that suitable, cost-effective, portable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter or fixed-wing aircraft used for emergency medical service operations that is ordered after the date of the enactment of this Act shall have on board a device that performs the function of a terrain awareness and warning system that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administration.

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a study that—

(A) analyzes the feasibility of requiring devices that perform the function of recording voice communications and flight data information on helicopters and fixed wing aircraft used for emergency medical service operators; and

(B) addresses issues related to survivability, weight, and financial considerations of the requirement described in subparagraph (A).

(2) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1)(A).

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 712 and insert the following:

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at not more than 4 public use airports, under which local airport operators, which have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, will be awarded demonstration grants, from amounts made available under section 47117(e) of title 49, United States Code, and passenger facility revenue collected under section 40117 of title 49, United States Code, to establish partnerships with affected neighboring local jurisdictions—

(1) to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility revenue;

(2) to encourage airport compatible land uses; and

(3) to generate economic benefits to the local airport authority and the adjacent community.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall award not more than 4 grants for pilot property redevelopment demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community;

(B) clear economic benefits to the local community; and

(C) financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The United States Government share of the allowable costs of a project under this section shall be 80 percent.

(B) ALLOWABLE COSTS.—In determining the allowable costs for a project under this section, the Secretary shall deduct, from the total costs of the activities described in subsection (a), the portion of such costs that is equal to the portion of the total property to be redeveloped under this section that is not owned and will not be acquired by the airport operator pursuant to the noise compatibility program, the affected neighboring local jurisdictions, or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 of the amounts made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public use airport.

(4) EXCEPTION.—The amounts paid to the Secretary under paragraph (3)—

(A) shall be in addition to amounts made available under section 48103 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(c) GRANT REQUIREMENTS.—The Administrator may not award a demonstration grant under this section unless—

(1) grant funds are used to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts; and

(2) the grant is subject to a requirement that—

(A) the local jurisdiction governing the property interests in question adopts zoning regulations that permit airport compatible redevelopment; and

(B) in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section is added to the amount of any grants awarded to acquire land.

(d) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

(e) USE OF PASSENGER FACILITY REVENUE.—Eligible agencies that own or operate airports designated by the Administrator for participation in the pilot program under this section may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay for any project costs described in subsection (a) that are not financed with a demonstration grants awarded under this section.

(f) REPORT TO CONGRESS.—Not later than 30 months after the date on which the first grant is awarded under this section, the Administrator shall submit a report to Congress that describes the effectiveness of the program.

(g) SUNSET.—This section shall expire on September 30, 2011.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 2 and 3, insert the following:

SEC. 717. PROHIBITION ON USE OF FUNDS TO REDUCE HOURS AT THE SPOKANE INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER.

None of the amounts authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce the hours of operation of the Spokane International Airport (GEG) Air Traffic Control Tower.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 520. INSPECTOR GENERAL EVALUATION OF SECURITY AT NATIONAL AIRSPACE SYSTEM FACILITIES.

(a) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an evaluation of physical security at Federal Aviation Administration National Airspace System facilities.

(b) CONTENTS.—The evaluation required under subsection (a) shall include the following:

(1) A comprehensive assessment of the security regulations, processes, and standards of the Federal Aviation Administration for ensuring adequate physical security at National Airspace System facilities.

(2) A comprehensive assessment of the compliance of the Federal Aviation Administration with existing security regulations, processes, and standards at all National Airspace System facilities, including air traffic control towers, terminal radar approach control facilities, and air route traffic control centers.

(3) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring compliance with and enforcement of security regulations, processes, and standards relating to physical security at National Airspace System facilities.

(4) An evaluation of the adequacy of security training, antiterrorism training, and weapons qualifications training provided to contract security guards.

(5) An evaluation of the regulations, processes, and standards of the Federal Aviation Administration relating to drug and alcohol testing and background checks of contract security guards.

(6) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring full compliance with and enforcement of regulations, processes, and standards applicable to the hiring and training of contract security guards.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) the results of the evaluation required under subsection (a); and

(2) any recommendations to the Federal Aviation Administration with respect to improving—

(A) regulations, processes, and standards for ensuring adequate physical security at National Airspace System facilities; and

(B) oversight of and compliance with security measures at National Airspace System facilities.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, between lines 21 through 22, insert the following:

(c) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

''(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.''.

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITIONS RELATING TO AMATEUR-BUILT AIRCRAFT.

As used in section 21.191(g) of title 14, Code of Federal Regulations—

(1) the term ''fabricated'' means to perform work on a part or component, such as gluing, forming, shaping, trimming, drilling, applying protective coatings, riveting, spot welding or heat-treating, transforming the part or component into its finished state for inclusion into a sub-assembly or within a final assembly; and

(2) the term ''major portion'' means more than ½ of the sum of the applicable fabrication, assembly, and installation tasks needed to complete an airworthy aircraft.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle __—Infrastructure Improvement

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the ''National Infrastructure Improvement Act of 2008''.

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) ACQUISITION.—The term ''acquisition'' includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term ''Commission'' means the National Commission on the Infrastructure of the United States established by section ___3(a).

(3) CONSTRUCTION.—The term ''construction'' means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term ''infrastructure'' means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term ''infrastructure'' includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term ''nonstructural elements'' includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term ''maintenance'' means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term ''rehabilitation'' means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. ___3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on the Infrastructure of the United States'' to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after date of the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. ___4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2010, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of the enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section ___4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. ___6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this subtitle.

SEC. ___7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section ___9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. ___8. FUNDING.

For each of the fiscal years 2009 through 2011, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this subtitle;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this subtitle; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this subtitle.

SEC. ___9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2011.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PLAN FOR THE EXPANSION OF SPACE TRANSPORTATION SUPPORT SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the space transportation industry of the United States has matured to the point that civilian and commercial launch requirements can appropriately be served by the private sector;

(2) the Federal Aviation Administration is the appropriate regulatory agency for ensuring the safety of space transportation support services;

(3) like other transportation modes developed before space transportation, space launch is becoming increasingly commercial and increasingly important as a strategic capability for the economic growth of the United States; and

(4) the Nation's space transportation capabilities would benefit from conformity with the Federal Aviation Administration's support systems for aviation management and infrastructure.

(b) PLAN TO EXPAND SPACE TRANSPORTATION SUPPORT SERVICES.—

(1) IN GENERAL.—Not later than February 1, 2009, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the Commercial Space Transportation Advisory Committee of the Federal Aviation Administration, shall develop and submit to Congress and the President a plan to expand space transportation support services to improve the international competitiveness of the space transportation providers and spaceports of the United States.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A plan to develop a common civilian range safety system to support commercial and civilian launch and reentry operations at spaceport sites licensed by the Federal Aviation Administration, including such sites currently served by United States military ranges.

(B) A review of laws, regulations, and policies that may impede the development of a common civilian range system and the competitiveness of United States commercial launch providers and spaceports and any recommendations with respect to amending such laws, regulations, and policies.

(C) A plan for adapting existing aviation support systems to support space transportation, including the National Plan of Integrated Airport Systems, the Airport and Airway Trust Fund, the Airport Improvement Program, aerospace workforce technical certifications, and the Air Transportation Centers of Excellence Program.

(D) An identification of technologies necessary to support space transportation.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

Subtitle B—Runway Safety

SECTION 521. SHORT TITLE.

This subtitle may be cited as the ''Runway Safety Improvement Act of 2008''.

SEC. 522. STRATEGIC PLAN FOR RUNWAY SAFETY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration (referred to in this subtitle as the ''Administrator'') shall develop and submit to Congress a report that contains a strategic runway safety plan.

(b) CONTENTS OF PLAN.—The strategic runway safety plan submitted under subsection (a) shall—

(1) include—

(A) goals to improve runway safety;

(B) a description of near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(C) time frames and resources needed for the actions described in subparagraph (B); and

(D) a plan to implement a continuous evaluative process to track performance toward the goals referred to in subparagraph (A); and

(2) address the increased runway safety risk associated with the expected increases in the volume of air traffic.

(c) AUDIT OF STRATEGIC RUNWAY SAFETY PLAN.—The Comptroller General of the United States shall—

(1) conduct an audit of the plan developed under subsection (a); and

(2) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describe—

(A) the efficacy of the runway safety plan in reducing runway safety risks; and

(B) the progress of the Federal Aviation Administration in complying with the plan.

SEC. 523. TECHNOLOGY IMPROVEMENTS.

(a) PLAN AND SCHEDULE FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

(1) DEPLOYMENT PLAN.—Not later than December 31, 2008, the Administrator shall submit to Congress a plan for the installation of and deployment schedule for systems to alert air traffic controllers and flight crews of potential runway incursions at—

(A) the 35 commercial airports in the United States that are most at risk of runway incursions; and

(B) general aviation airports identified by the Administrator as being most at risk of runway incursions.

(2) CONTENTS.—The plan submitted under paragraph (1) shall—

(A) ensure existing technology for improved situational awareness is available to

pilots of commercial and large general aviation aircraft;

(B) enhance the value of investments in existing surface movement detection systems by ensuring that runway incursion alert data collected by such systems are automatically and directly transmitted to flight crews; and

(C) ensure that airports most at risk of runway incursions receive priority for the installation of advanced surface movement detection systems.

(3) OBJECTIVES.—The installation and deployment schedule required under paragraph (1) shall ensure that—

(A) not later than March 31, 2009, the Administrator certifies an integrated aircraft and ground-based capability that transmits direct warnings of runway incursions through advanced surface movement detection systems or other detection systems, as appropriate, without controller intervention;

(B) not later than December 31, 2009, capability providing aural indication of own aircraft position relative to airport runways is installed on—

(i) all aircraft operated pursuant to part 121 or 135 of title 14, Code of Federal Regulations, with more than 10 seats; and

(ii) all turbine-powered aircraft operated pursuant to part 91 of such title 14, with more than 6 seats;

(C) not later than June 30, 2010, the Administrator provides the capability described in subparagraph (A) at all airports equipped with advanced surface movement detection systems;

(D) not later than December 31, 2010, all aircraft described in subparagraph (B) at airports equipped with advanced surface movement detection systems are equipped with the capability to receive, process, and present runway incursion alerts to pilots; and

(E) a schedule is published for the equipage of aircraft operated pursuant to part 125 or 129 of title 14, Code of Federal Regulations.

(b) REVIEW OF IMPLEMENTATION OF ADVANCED SURFACE MOVEMENT DETECTION SYSTEMS.—The Inspector General of the Department of Transportation shall—

(1) review the installation of each advanced surface movement detection system funded by the Administrator to ensure that each system functions in accordance with the product's certification by the Administrator; and

(2) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describes the status of the proper implementation of each system, including a review of the system's—

(A) reliability to ensure it is not susceptible to failures to generate timely alerts for controllers to take appropriate action; and

(B) ability to successfully operate in all climate conditions in which aircraft operations are conducted at the airport.

SEC. 524. INFRASTRUCTURE UPGRADES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TECHNOLOGY INVESTMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to install systems designed to reduce the potential for runway incursions through the purchase and installation of advanced surface movement detection systems, and ground-based infrastructure for cockpit-direct audible runway incursion warning systems—

(1) $41,000,000 for fiscal year 2009;

(2) $42,250,000 for fiscal year 2010; and

(3) $45,000,000 for fiscal year 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR NEAR-TERM IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airways Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to reduce the potential for runway incursions through the purchase and installation of appropriate automatic equipment, including runway occupancy alerting and warning equipment, perimeter taxiways, and runway status lights—

(1) $40,000,000 for fiscal year 2009;

(2) $45,000,000 for fiscal year 2010; and

(3) $55,000,000 for fiscal year 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RUNWAY SAFETY AREA IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to improve runway safety areas to meet Federal Aviation Administration standards—

(1) $150,000,000 for fiscal year 2009;

(2) $200,000,000 for fiscal year 2010; and

(3) $75,000,000 for fiscal year 2011.

(d) CODIFICATION OF RUNWAY SAFETY DESIGN STANDARD COMPLIANCE REQUIREMENT FROM PUBLIC LAW 109–115.—Section 44727 is amended by adding at the end the following:

''(c) DEADLINE FOR RUNWAY SAFETY AREA DESIGN STANDARD COMPLIANCE.—Not later than December 31, 2015, the owner or operator of each airport described in section 44706(a) shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required under part 139 of title 14, Code of Federal Regulations.''.

(e) ANNUAL REPORT ON RUNWAY SAFETY AREA COMPLIANCE.—The Administrator shall annually submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress of the Administration toward improving the runway safety areas at airports described in section 44706(a) of title 49, United States Code.

SEC. 525. REVIEW OF RUNWAY AND TAXIWAY LIGHTING AND MARKINGS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall—

(1) review the type of runway and taxiway lighting (both daytime and nighttime configurations) and markings at large and medium hub airports for compliance with standards issued by the Federal Aviation Administration; and

(2) identify runways on which nonstandard lighting and markings, including variance in illumination levels and standard colors used on runways and taxiways, may contribute, or may have contributed, to operational errors or incidents.

(b) INITIAL REPORT.—Not later than 60 days after the completion of the review under subsection (a), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the variance in lighting conditions and markings at airport runways described in subsection (a);

(2) identifies those runways that are most likely to contribute to operational errors and incidents; and

(3) includes a plan for remedying variance in lighting conditions and markings at nonstandard runways, including associated costs.

(c) COMPREHENSIVE REVIEW AND REPORT.—Not later than January 1, 2010, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report covering the subjects described in subsection (b), after conducting a full review of the factors described subsection (a) for all airports described in section 44706(a) of title 49, United States Code.

SEC. 526. MONITORING AND RECORDING EQUIPMENT FOR NAVIGATION AND LIGHTING AIDS.

(a) IN GENERAL.—The Administrator, in consultation with the Chairman of the National Transportation Safety Board, shall evaluate the potential for improving safety and accident investigations through the use of systems, including existing technologies, that record and enable the archival of the operational status of lighting systems on the movement areas of, or that are critical to the safe operations at, airports described in section 44706(a) of title 49, United States Code, and the operational status of ground-based navigation aids at or near airports described in section 44706(a) of title 49, United States Code, which are used to provide approach, departure, takeoff, and landing guidance at such airports.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the evaluation required under subsection (a).

SEC. 527. IMPROVED DATA COLLECTION ON RUNWAY OVERRUNS.

The Administrator of the Federal Aviation Administration shall—

(1) collect data, using either existing sources of aircraft operational incidents or a new reporting process, regarding aircraft excursions that do not result in fatalities, injuries, or significant property damage;

(2) examine the data collected pursuant to paragraph (1) on an ongoing basis; and

(3) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) trends and potential safety risks identified by the data; and

(B) actions taken by airports and the Federal Aviation Administration to reduce those risks.

SA 4689. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ____. ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term ''air transportation'' has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term ''aircraft'' has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term ''United States commercial aircraft'' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''SEC. 44730. REPAIR STATIONS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED MAINTENANCE WORK.—The term 'covered maintenance work' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

''(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

''(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

''(4) UNITED STATES COMMERCIAL AIRCRAFT.—The term 'United States commercial aircraft' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

''(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

''(1) a part 145 repair station;

''(2) a part 121 air carrier; or

''(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

''(A) meet the requirements of such repair station or air carrier, as the case may be;

''(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

''(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.

''(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

''(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

''(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

''(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.''.

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) REPORT ON PLAN FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) IMPLEMENTATION OF PLANNED PROGRAM.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) ANNUAL REPORT ON IMPLEMENTATION.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

''44730. Repairs stations.''.

(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

(A) the costs of all related inspection services;

(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and

(C) any increased costs to the Administration resulting from requirements of this section.

(2) UPDATES.—The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

(e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;

(2) subsection (b)(2) of this section;

(4) subsection (d) of this section; and

(5) the regulations prescribed or amended under the provisions described in this subsection.

SA 4690. Mrs. BOXER submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following: ''The Secretary may not approve a contingency service plan that does not closely adhere to the standards set forth in subsection (a)(2).''.

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 21 and 22, insert the following:

(f) NONPREEMPTION.—Nothing in this section or in section 41713(b) of title 49, United States Code, shall affect the authority of a State or a political subdivision of a State to regulate air ambulance services provided within that State with respect to—

(1) access to and availability of air ambulance services; or

(2) the standards of quality of care by air ambulance services.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

(4) Until the recommendations of the Board are completed, the Administrator may not—

(A) consolidate any additional approach control facilities into the Southern California TRACON or the Memphis TRACON; or

(B) de-consolidate, de-combine, split, or otherwise realign the approach control facilities at Charlotte Douglas International Airport.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'.''; and

(2) by amending subsection (f) to read as follows:

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

''(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

''(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

''(4) LOCKED DEVICES.—

''(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

''(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

''(5) TRAINING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

''(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.''.

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

''(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the taxpayer producing such mixture.

''(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.''.

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''and (e)'' and inserting ''(e), and (i)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'.''; and

(2) by amending subsection (f) to read as follows:

''(f) AUTHORITY TO CARRY FIREARMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

''(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

''(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

''(4) LOCKED DEVICES.—

''(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

''(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

''(5) TRAINING.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

''(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.''.

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

''(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(B) is used as a fuel by the taxpayer producing such mixture.

''(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

''(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.''.

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''and (e)'' and inserting ''(e), and (i)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESERVATION AND EXPANSION OF ACCESS TO RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(g) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—

''(1) IN GENERAL.—Notwithstanding section 49109 or any other provision of law, and subject to the approval of the Secretary under paragraph (2), an air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of the date of the enactment of this subsection, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, that are being used as of that date for scheduled service between that Airport and a large hub airport (as defined in section 40102(a)(29)), may use not more than 2 of such slots for service between Ronald Reagan Washington National Airport and any large hub airport located outside of the perimeter restriction described in section 49109.

''(2) APPROVAL BY SECRETARY.—The Secretary shall approve the use of air carrier slots described in paragraph (1) if—

''(A) the use of such air carrier slots results in the provision of air transportation from Ronald Reagan Washington National Airport to small communities outside the perimeter restriction through the large hub airport with respect to which the air carrier slots are used; and

''(B) the Secretary determines that approving such use will not result in the reduction of nonstop air transportation between Ronald Reagan Washington National Airport and small or medium hub airports inside the perimeter restriction.''.

(b) AUDITS OF SLOT EXCHANGES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Transportation shall conduct an audit of the use of air carrier slots at Ronald Reagan Washington National Airport for air transportation between that Airport and airports located outside of the perimeter restriction described in section 49109 of title 49, United States Code, authorized pursuant to the amendment made by subsection (a), to determine if small communities outside of the perimeter restriction are benefitting from the use of such air carrier slots.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to

be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, insert the following:

SEC. ___. REQUIRED FUNDING OF NEW ACCRUALS UNDER AIR CARRIER PENSION PLANS.

(a) IN GENERAL.—Section 402(a) of the Pension Protection Act of 2006, as amended by section 6615(a) of the U. S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), is amended—

(1) in paragraph (2)—

(A) by striking ''to its first taxable year beginning in 2008'',

(B) by striking ''for such taxable year'' and inserting ''for its first plan year beginning in 2008'', and

(C) by striking ''and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)'', and

(2) by adding at the end the following new flush matter:

''If the plan sponsor of an eligible plan elects the application of paragraph (2), the plan sponsor may also elect, in determining the funding target for each of the 10 plan years during the period described in paragraph (2), to use an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve). Notwithstanding the preceding sentence, in the case of any plan year of the eligible plan for which such 8.25 percent interest rate is used, the minimum required contribution under section 303 of such Act and section 430 of such Code shall in no event be less than the target normal cost of the plan for such plan year (as determined under section 303(b) of such Act and section 430(b) of such Code). A plan sponsor may revoke the election to use the 8.25 percent interest rate and if the revocation is made, the revocation shall apply to the plan year for which made and all subsequent plan years and the plan sponsor may not elect to use the 8.25 percent interest rate for any subsequent plan year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

''(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

''(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

''(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

''(B) Not later than 4 years after such date, throughout the rail system.

''(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

''(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

''(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of

2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

''(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.''.

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the ''Office''), headed by the Inspector General of the Transit Authority (referred to in this subsection as the ''Inspector General'').

(B) DEFINITION.—In subparagraph (A), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

TEXT OF AMENDMENTS

SA 4700. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4701. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, strike lines 7 through 21, and insert the following:

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by inserting ''$9,000,000 for fiscal year 2008, $9,500,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $10,500,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.''.

(c) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

''(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.''.

SA 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 15, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking ''$250,000'' and inserting ''$335,000'';

(2) in paragraph (3), by striking ''$100,000'' and inserting ''$135,000''; and

(3) in paragraph (4)—

(A) by striking ''$500,000'' each place such term appears and inserting ''$670,000''; and

(B) by inserting before ''; and'' the following: ''; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)''.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 24, strike ''Any increase'' and all that follows through the second period on page 11, line 4, and insert the following: ''Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.''.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

''(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

''(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

''(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

''(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

''(A) cover losses only from physical damage resulting from flooding or windstorm; and

''(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

''(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

''(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

''(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

''(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

''(C) the classification, limitation, and rejection of any risks which may be advisable;

''(D) appropriate minimum premiums;

''(E) appropriate loss deductibles; and

''(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

''(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

''(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

''(i) for any single-family dwelling, $500,000;

''(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total

number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

''(iii) $150,000 per dwelling unit for—

''(I) any contents related to such unit; and

''(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

''(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

''(i) $1,000,000 for any single structure; and

''(ii) $750,000 for—

''(I) any contents related to such structure; and

''(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

''(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.''.

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

''PROHIBITION AGAINST DUPLICATIVE COVERAGE

''SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).''.

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting ''(a) FLOOD PROTECTION MEASURES.—'' before ''No new''; and

(2) by adding at the end the following new subsection:

''(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.''.

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

''(d) WINDSTORMS.—

''(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

''(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

''(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.''.

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking ''and'' at the end;

(2) in paragraph (15) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.''.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 10, line 9, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 31 and insert the following:

SEC. 31. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

''SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

''(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

''(B) be appointed by the Director without regard to political affiliation;

''(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

''(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

''(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, accounting, auditing, financial analysis, law, management analysis, public administration, investigations, or insurance.

''(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

''(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(2) identify areas in which such insureds have problems in dealings with the Federal

Emergency Management Agency relating to such program;

''(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

''(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

''(5) conduct, supervise, and coordinate—

''(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer for sale insurance policies against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

''(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

''(C) examinations to ensure that insurance companies and associated entities are properly compiling and preserving documentation for independent biennial financial statement audits as required under section 62.23(l) of title 44, Code of Federal Regulations; and

''(D) any other audit, examination, or investigation that the National Flood Insurance Advocate determines necessary to ensure the effective and efficient operation of the national flood insurance program;

''(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

''(A) promoting economy and efficiency in the administration of such program;

''(B) preventing and detecting fraud and abuse in the program; and

''(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

''(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

''(8) investigate allegations of consumer fraud.

''(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section;

''(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

''(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

''(4) require by subpoena the production of all information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, provided, that procedures other than subpoenas shall be used by the National Flood Insurance Advocate to obtain documents and information from any Federal agency;

''(5) issue a summons to compel the testimony of any person in the employ of any insurance company or associated entity, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

''(6) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the National Flood Insurance Advocate shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(7) have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(8) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

''(9) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

''(10) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

''(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(e) OTHER RESPONSIBILITIES.—

''(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate shall—

''(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

''(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

''(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (i);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

''(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

''(xii) identify fraud and abuse in the national flood insurance program; and

''(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

''(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

''(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

''(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

''(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

''(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

''(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

''(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

''(g) PERSONNEL ACTIONS.—

''(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

''(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

''(h) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

''(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

''(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

''(k) COORDINATION.—

''(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

''(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

''(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

''(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

''(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

''(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—In addition to any other action that may be taken by the Attorney General, upon a finding in any investigation or audit conducted by the Office of the National Flood Insurance Advocate under this section, that any insurance company or associated entity has willfully misappropriated funds under the national flood insurance program, the Director may levy a civil fine against such company or entity in an amount not to exceed 3 times the total amount of funds shown to be misappropriated.

''(m) DEFINITIONS.—For purposes of this subsection:

''(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

''(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

''(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Flood Insurance Reform and Modernization Act of 2008''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 will likely exceed all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed over $20,000,000,000 from the Treasury;

(3) the interest alone on this debt, is almost $1,000,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) recent events throughout the country involving areas behind man-made structures, known as ''residual risk'' areas, have produced catastrophic losses;

(7) although such man-made structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) DIRECTOR.—The term ''Director'' means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term ''National Flood Insurance Program'' means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(3) 100-YEAR FLOODPLAIN.—The term ''100-year floodplain'' means that area which is subject to inundation from a flood having a 1 percent chance of being equaled or exceeded in any given year.

(4) 500-YEAR FLOODPLAIN.—The term ''500-year floodplain'' means that area which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

(5) WRITE YOUR OWN.—The term ''Write Your Own'' means the cooperative undertaking between the insurance industry and the Flood Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking ''2008'' and inserting ''2013.''.

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following:

''(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

''(1) IN GENERAL.—The Director shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Director may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.''.

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(4) the exclusion of prospective insureds from purchasing flood insurance at rates less than those estimated under paragraph (1), as required by paragraph (2), for certain properties, including for—

''(A) any property which is not the primary residence of an individual;

''(B) any severe repetitive loss property, as defined in section 1361A(b);

''(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

''(D) any business property; and

''(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2008 has experienced or sustained—

''(i) substantial damage exceeding 50 percent of the fair market value of such property; or

''(ii) substantial improvement exceeding 30 percent of the fair market value of such property.''; and

(B) by adding at the end the following:

''(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

''(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008; and

''(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this title.

(b) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking ''under this title for any properties within any single'' and inserting the following: ''under this title for any properties—

''(1) within any single''; and

(2) by striking ''10 percent'' and inserting ''15 percent''; and

(3) by striking the period at the end and inserting the following: ''; and

''(2) described in section 1307(a)(4) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).''.

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of enactment of this title, the Director shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall—

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Director determines essential in order to administer the National Flood Insurance Program, as required under section 119, are in the maintenance phase.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

''(g) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), and upon completion of the updating of any flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2008, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of such updating or remapping that is a result of such updating or remapping shall be phased in over a 2-year period at the rate of 50 percent per year.''.

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) given satisfactory assurance that by December 31, 2008, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).''.

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking ''$350'' and inserting ''$2,000''; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) REGULATED LENDING INSTITUTIONS.—

''(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that any premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes, shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.

''(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its entity or agency with primary responsibility for the supervision of lending institutions in that State require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from such State entity or agency, the Director, or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.''; and

(2) by adding at the end the following:

''(6) NOTICE UPON LOAN TERMINATION.—Upon final payment of the mortgage, a regulated lending institution shall provide notice to the policyholder that insurance coverage may cease with such final payment. The regulated lending institution shall also provide direction as to how the homeowner may continue flood insurance coverage after the life of the loan.''.

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this title.

SEC. 112. BORROWING AUTHORITY DEBT FORGIVENESS.

(a) IN GENERAL.—The Secretary of the Treasury relinquishes the right to any repayment of amounts due from the Director in connection with the exercise of the authority vested to the Director to borrow such sums under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016), to the extent such borrowed sums were used to fund the payment of flood insurance claims under the National Flood Insurance Program for any damage to or loss of property resulting from the hurricanes of 2005.

(b) CERTIFICATION.—The debt forgiveness described under subsection (a) shall only take effect if the Director certifies to the Secretary of Treasury that all authorized resources or funds available to the Director to operate the National Flood Insurance Program—

(1) have been otherwise obligated to pay claims under the National Flood Insurance Program; and

(2) are not otherwise available to make payments to the Secretary on any outstanding notes or obligations issued by the Director and held by the Secretary.

(c) DECREASE IN BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking ''; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$20,775,000,000' for '$1,500,000,000' ''.

SEC. 113. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking ''The Director is'' and inserting the following:

''(a) IN GENERAL.—The Director is''; and

(2) by adding at the end the following:

''(b) MINIMUM ANNUAL DEDUCTIBLE.—

''(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.

''(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

''(A) $750, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

''(B) $1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.''.

SEC. 114. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended—

(1) in subsection (a), by striking '', after consultation with'' and all that follows through ''by regulation'' and inserting ''prescribe, after providing notice'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking '', and'' and inserting a semicolon;

(D) in paragraph (4), by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.''; and

(3) by adding at the end the following:

''(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year'—

''(1) includes catastrophic loss years; and

''(2) shall be computed in accordance with generally accepted actuarial principles.''.

SEC. 115. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 the following:

''SEC. 1310A. RESERVE FUND.

''(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Director shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

''(1) be an account separate from any other accounts or funds available to the Director; and

''(2) be available for meeting the expected future obligations of the flood insurance program.

''(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

''(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

''(2) such higher percentage as the Director determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

''(c) MAINTENANCE OF RESERVE RATIO.—

''(1) IN GENERAL.—The Director shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

''(A) to maintain the reserve ratio required under subsection (b); and

''(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

''(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Director shall consider—

''(A) the expected operating expenses of the Reserve Fund;

''(B) the insurance loss expenditures under the flood insurance program;

''(C) any investment income generated under the flood insurance program; and

''(D) any other factor that the Director determines appropriate.

''(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Director shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

''(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

''(1) IN GENERAL.—Beginning in fiscal year 2008 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Director shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Director shall not be required to set aside any amounts for the Reserve Fund.

''(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Director shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

''(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Director determines that the reserve ratio required under subsection (b) cannot be achieved, the Director shall submit a report to Congress that—

''(1) describes and details the specific concerns of the Director regarding such consequences;

''(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

''(3) indicates the maximum attainable reserve ratio for that particular fiscal year.''.

SEC. 116. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

''(c) Any funds borrowed by the Director under the authority established in subsection (a) shall include a schedule for repayment of such amounts which shall be transmitted to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.

''(d) In addition to the requirement under subsection (c), in connection with any funds borrowed by the Director under the authority established in subsection (a), the Director, beginning 6 months after the date on which such borrowed funds are issued, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to the—

''(1) Secretary of the Treasury;

''(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

''(3) Committee on Financial Services of the House of Representatives.''.

SEC. 117. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 113, is further amended by adding at the end the following:

''(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Director may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based, solely or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association. Notwithstanding any regulations, rules, or restrictions established by the Director relating to appeals and filing deadlines, the Director shall ensure that the requirements of this subsection are met with respect to any claims for damages resulting from flooding in 2005 and 2006.''.

SEC. 118. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director, or the designee thereof, and 12 additional members to be appointed by the Director or the designee of the Director, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers;

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof); and

(L) a member of a recognized regional flood and storm water management organization.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Director how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Director mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Director how to maintain on an ongoing basis flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Director and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 119; and

(C) a summary of recommendations made by the Council to the Director.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this title, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Director.

(2) RESPONSIBILITY OF THE DIRECTOR.—The Director, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 119, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the ''Chairperson'').

(f) COORDINATION.—To ensure that the Council's recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A–16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a non-reimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) REPORT TO CONGRESS.—The Director, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council; and

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data.

SEC. 119. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Director, in coordination with the Technical Mapping Advisory Council established under section 118, shall establish an ongoing program under which the Director shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all areas located within the 100-year floodplain;

(ii) all areas located within the 500-year floodplain;

(iii) areas of residual risk that have not previously been identified, including areas that are protected levees, dams, and other man-made structures; and

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other man-made structure;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968, the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall:

(A) GROUND ELEVATION DATA.—Assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

(B) DATA ON A WATERSHED BASIS.—Develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Director shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Director shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Director, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Director; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) compliant with the North American Vertical Datum of 1998 for New Hydrologic and Hydraulic Engineering.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this section $400,000,000 for each of fiscal years 2008 through 2013.

SEC. 120. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking '', but which may not exceed 50 percent of the cost of carrying out the requested revision or update''.

SEC. 121. COORDINATION.

(a) INTERAGENCY BUDGET CROSSCUT REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Director, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary or head of each such agency, an interagency budget crosscut report that displays the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intraagency transfers.

(b) DUTIES OF THE DIRECTOR.—In carrying out sections 118 and 119, the Director shall—

(1) participate, pursuant to section 216 of Public Law 107–347 (116 Stat. 2945), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of geospatial data among all governmental users.

SEC. 122. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Director shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to the—

(1) Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) Committee on Financial Services of the House of Representatives;

(3) Committee on Appropriations of the Senate; and

(4) Committee on Appropriations of the House of Representatives.

SEC. 123. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(b) NOTICE.—

(1) BY DIRECTOR.—In carrying out the National Flood Insurance Program, the Director shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with and substantially identical to the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 124. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (4), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) an explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.''.

SEC. 125. TESTING OF NEW FLOODPROOFING TECHNOLOGIES.

(a) PERMISSIBLE TESTING.—A temporary residential structure built for the purpose of testing a new flood proofing technology, as described in subsection (b), in any State or community that receives mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) may not be construed to be in violation of any flood risk mitigation plan developed by that State or community and approved by the Director of the Federal Emergency Management Agency.

(b) CONDITIONS ON TESTING.—Testing permitted under subsection (a) shall—

(1) be performed on an uninhabited residential structure;

(2) require dismantling of the structure at the conclusion of such testing; and

(3) require that all costs associated with such testing and dismantling be covered by the individual or entity conducting the testing, or on whose behalf the testing is conducted.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or extend the availability of flood insurance to any structure that may employ, utilize, or apply any technology tested under subsection (b).

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

''(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) that may have resulted in flood damage under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Director shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

''(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Director shall require that each representative of the Director—

''(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

''(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

''(3) participate in good faith negotiations toward the settlement of such claims with policyholders of coverage made available under the flood insurance program; and

''(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

''(c) COORDINATION.—Representatives of the Director shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

''(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

''(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

''(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

''(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

''(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

''(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

''(1) affect or expand the liability of any party in contract or in tort; or

''(2) affect the rights or obligations of the parties, as established—

''(A) in any regulation issued by the Director, including any regulation relating to a standard flood insurance policy;

''(B) under this Act; and

''(C) under any other provision of Federal law.

''(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

''(h) COST LIMITATION.—Nothing in this section shall be construed to require the Director or a representative of the Director to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Director participates.

''(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

''(1) this section shall not apply; and

''(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

''(j) REPRESENTATIVES OF THE DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).''.

SEC. 127. REITERATION OF FEMA RESPONSIBILITIES UNDER THE 2004 REFORM ACT.

(a) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director shall continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, as such standards were determined by the Director in the notice published in the Federal Register on September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(b) REPORT ON THE OVERALL IMPLEMENTATION OF THE REFORM ACT OF 2004.—Not later than 3 months after the date of the enactment of this title, the Director shall submit a report to Congress—

(1) describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 712);

(2) identifying each regulation, order, notice, and other material issued by the Director in implementing each provision of that Act;

(3) explaining any statutory or implied deadlines that have not been met; and

(4) providing an estimate of when the requirements of such missed deadlines will be fulfilled.

SEC. 128. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Director shall collect, from property and casualty insurance

companies that are authorized by the Director to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 129. EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE DIRECTOR.—Not later than 20 days after the date of enactment of this title, each property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program shall submit to the Director any biennial report prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Director shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Director shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(b) FEMA RULEMAKING ON EXPENSES OF WYO PROGRAM.—Not later than 180 days after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to devise a data collection methodology to allow the Federal Emergency Management Agency to collect consistent information on the expenses (including the operating and administrative expenses for adjustment of claims) of property and casualty insurance companies participating in the Write Your Own program for selling, writing, and servicing, standard flood insurance policies.

(c) SUBMISSION OF EXPENSE REPORTS.—Not later than 60 days after the effective date of the final rule established pursuant to subsection (b), each property and casualty insurance company participating in the Write Your Own program shall submit a report to the Director that details for the prior 5 years the expense levels of each such company for selling, writing, and servicing standard flood insurance policies based on the methodologies established under subsection (b).

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 15 months after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and non-catastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE DIRECTOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (b) or subsection (d), the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsections (b) and (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsections (b) and (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 130. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1)—

(A) in the first sentence, by striking ''in each of fiscal years 2005, 2006, 2007, 2008, and 2009'' and inserting ''in each fiscal year through fiscal year 2013''; and

(B) by adding at the end the following new sentence: ''For fiscal years 2008 through the 2013, the total amount that the Director may use to provide assistance under this section shall not exceed $240,000,000.''; and

(2) by striking subsection (l).

(b) REPORT TO CONGRESS ON IMPLEMENTATION STATUS.—Not later than 6 months after the date of enactment of this title, the Director shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the implementation of the pilot program for severe repetitive loss properties authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

(c) RULEMAKING.—No later than 90 days after the date of enactment of this title, the Director shall issue final rules to carry out the severe repetitive loss pilot program authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

''SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

''(a) ESTABLISHMENT OF POSITION.—

''(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (f), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

''(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

''(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

''(A) a background in customer service as well as insurance; and

''(B) experience in representing individual insureds.

''(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

''(5) STAFF.—To the extent amounts are provided pursuant to subsection (f), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

''(b) FUNCTIONS OF OFFICE.—

''(1) IN GENERAL.—It shall be the function of the Office of the Flood Insurance Advocate to—

''(A) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

''(B) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

''(C) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under subparagraph (B); and

''(D) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems.

''(2) ANNUAL REPORTS.—

''(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

''(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

''(ii) describe the nature of recommendations made to the Director under subsection (e);

''(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

''(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

''(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

''(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

''(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (e);

''(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

''(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

''(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes; and

''(xi) include such other information as the National Flood Insurance Advocate may deem advisable.

''(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

''(3) OTHER RESPONSIBILITIES.—The National Flood Insurance Advocate shall—

''(A) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

''(B) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

''(C) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

''(D) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

''(4) PERSONNEL ACTIONS.—

''(A) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

''(i) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

''(ii) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in clause (i).

''(B) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this paragraph.

''(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of subsection (e)(3) to all recommendations submitted to the Director by the National Flood Insurance Advocate.

''(d) OPERATION OF REGIONAL OFFICES.—

''(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (b)—

''(A) shall report to the National Flood Insurance Advocate or delegate thereof;

''(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

''(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

''(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

''(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

''(e) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

''(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

''(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

''(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

''(A) whether such recommendation was followed;

''(B) why such recommendation was or was not followed; and

''(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

''(B) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

''(f) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2008 through 2013, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.''.

SEC. 132. STUDIES AND REPORTS.

(a) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) $250,000 for the structure; and

(ii) $100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of $500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of $417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE DIRECTOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Director shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Director for mitigation assistance under section 1366(e)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Director as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Director as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), including the historical basis for the receipt of such subsidy and whether such subsidy has outlasted its purpose;

(2) number and fair market value of such structures;

(3) respective income level of each owner of such structure;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost to the taxpayer, as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the most efficient way to eliminate the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Department of Homeland Security's Inspectors general Office, shall—

(1) conduct a review of the 3 largest contractors the Director uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this title, submit a report on the findings of such review to the Director, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Commission on Natural Catastrophe Risk Management and Insurance Act of 2008''.

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of $200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the ''Commission'').

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the ''Chairperson'').

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risked-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government providing reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 2, strike ''including for—'' and all that follows through the period on line 21 and insert the following: ''including for any property which is not the primary residence of an individual.''

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the floor insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—HOMEOWNERS' DEFENSE ACT

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Homeowners' Defense Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a history of catastrophic natural disasters, including hurricanes, tornadoes, flood, fire, earthquakes, and volcanic eruptions;

(2) although catastrophic natural disasters occur infrequently, they will continue to occur and are predictable;

(3) such disasters generate large economic losses and a major component of those losses comes from damage and destruction to homes;

(4) for the majority of Americans, their investment in their home represents their single biggest asset and the protection of that investment is paramount to economic and social stability;

(5) historically, when a natural disaster eclipses the ability of the private industry and a State to manage the loss, the Federal Government has stepped in to provide the funding and services needed for recovery;

(6) the cost of such Federal ''bail-outs'' are borne by all taxpayers equally, as there is no provision to repay the money and resources provided, which thereby unfairly burdens citizens who live in lower risk communities;

(7) as the risk of catastrophic losses grows, so do the risks that any premiums collected by private insurers for extending coverage will be insufficient to cover future catastrophes (known as timing risk), and private insurers, in an effort to protect their shareholders and policyholders (in the case of mutually-owned companies), have thus significantly raised premiums and curtailed insurance coverage in States exposed to major catastrophes;

(8) such effects on the insurance industry have been harmful to economic activity in States exposed to major catastrophes and have placed significant burdens on existing residents of such States;

(9) Hurricanes Katrina, Rita, and Wilma struck the United States in 2005, causing over $200,000,000,000 in total economic losses, and insured losses to homeowners in excess of $50,000,000,000;

(10) since 2004, the Congress has appropriated more than $58,000,000,000 in disaster relief to the States affected by natural catastrophes;

(11) the Federal Government has provided and will continue to provide resources to pay for losses from future catastrophes;

(12) when Federal assistance is provided to the States, accountability for Federal funds disbursed is paramount;

(13) the Government Accountability Office or other appropriate agencies must have the means in place to confirm that Federal funds for catastrophe relief have reached the appropriate victims and have contributed to the recovery effort as efficiently as possible so that taxpayer funds are not wasted and citizens are enabled to rebuild and resume productive activities as quickly as possible;

(14) States that are recipients of Federal funds must be responsible to account for and provide an efficient means for distribution of funds to homeowners to enable the rapid rebuilding of local economies after a catastrophic event without unduly burdening taxpayers who live in areas seldom affected by natural disasters;

(15) State insurance and reinsurance programs can provide a mechanism for States to exercise that responsibility if they appropriately underwrite and price risk, and if they pay claims quickly and within established contractual terms; and

(16) State insurers and reinsurers, if appropriately backstopped themselves, can absorb catastrophic risk borne by private insurers without bearing timing risk, and thus enable all insurers (whether State-operated or privately owned) to underwrite and price insurance without timing risk and in such a way to encourage property owners to pay for the appropriate insurance to protect themselves and to take steps to mitigate against the risks of disaster by locally appropriate methods.

(b) PURPOSES.—The purposes of this division are to establish a program to provide a Federal backstop for State-sponsored insurance programs to help homeowners prepare for and recover from the damages caused by natural catastrophes, to encourage mitigation and prevention for such catastrophes, to promote the use of private market capital as a means to insure against such catastrophes, to expedite the payment of claims and better assist in the financial recovery from such catastrophes.

SEC. 103. QUALIFIED REINSURANCE PROGRAMS.

(a) IN GENERAL.—For purposes of this division only, a program shall be considered to be a qualified reinsurance program if the program—

(1) is authorized by State law for the purposes described in this section;

(2) is an entity in which the authorizing State maintains a material, financial interest;

(3) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal residential lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners;

(4) has a governing body, a majority of whose members are public officials;

(5) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses in excess of such amount that the Secretary has determined represents a catastrophic event in that particular State;

(6) is authorized by a State that has in effect such laws, regulations, or other requirements, as the Secretary shall by regulation provide, that—

(A) ensure, to the extent that reinsurance coverage made available under the qualified reinsurance program results in any cost savings in providing insurance coverage for risks in such State, such cost savings are reflected in premium rates charged to consumers for such coverage;

(B) require that any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;

(C) require State authorized insurance entities within that State to establish an insurance rate structure that takes into account measures to mitigate insurance losses;

(D) require State authorized insurance and reinsurance entities within that State to establish rates at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered; and

(E) encourage State authorized insurance and reinsurance entities within that State to establish rates that do not involve cross-subsidization between any separate property

and casualty lines covered under the State authorized insurance or reinsurance entity; and

(7) complies with such additional organizational, underwriting, and financial requirements as the Secretary shall, by regulation, provide to carry out the purposes of this division.

(b) TRANSITIONAL MECHANISMS.—For the 5-year period beginning on the date of enactment of this division, in the case of a State that does not have a qualified reinsurance program for the State, a State residual insurance market entity for such State shall be considered to be a qualified reinsurance program, but only if such State residual insurance market entity was in existence before such date of enactment.

(c) PRECERTIFICATION.—The Secretary shall establish procedures and standards for State and regional reinsurance programs and the State residual insurance market entities described in subsection (b) to apply to the Secretary at any time for certification (and recertification) as qualified reinsurance programs.

(d) REINSURANCE TO COVER EXPOSURE.—This section may not be construed to limit or prevent any insurer from obtaining reinsurance coverage for insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of the amount of any loan under this division.

SEC. 104. DEFINITIONS.

For purposes of this division, the following definitions shall apply:

(1) CEILING COVERAGE LEVEL.—The term ''ceiling coverage level'' means, with respect to a qualified reinsurance program, the maximum liability, under law, that could be incurred at any time by the qualified reinsurance program.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Natural Catastrophe Preparation and Protection established under title II.

(3) CONSORTIUM.—The term ''Consortium'' means the National Catastrophic Risk Consortium established under title I.

(4) INSURED LOSS.—The term ''insured loss'' means any loss insured by a qualified reinsurance program.

(5) QUALIFIED REINSURANCE PROGRAM.—The term ''qualified reinsurance program'' means a State or regional program that meets the requirements of section 103.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(7) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.

SEC. 105. REGULATIONS.

The Secretary shall issue such regulations as may be necessary to carry out this division.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

SEC. 111. ESTABLISHMENT; STATUS; PRINCIPAL OFFICE; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established an entity to be known as the ''National Catastrophe Risk Consortium''.

(b) STATUS.—The Consortium is not a department, agency, or instrumentality of the United States Government.

(c) PRINCIPAL OFFICE.—The principal office and place of business of the Consortium shall be such location within the United States determined by the Board of Directors to be the most advantageous for carrying out the purpose and functions of the Consortium.

(d) MEMBERSHIP.—Any State that has established a reinsurance fund or has authorized the operation of a State residual insurance market entity shall be eligible to participate in the Consortium.

SEC. 112. FUNCTIONS.

The Consortium shall—

(1) work with all States, particularly those participating in the Consortium, to gather and maintain an inventory of catastrophe risk obligations held by State reinsurance funds and State residual insurance market entities;

(2) at the discretion of the affected members and on a conduit basis, issue securities and other financial instruments linked to the catastrophe risks insured or reinsured through members of the Consortium in the capital markets;

(3) coordinate reinsurance contracts between participating, qualified reinsurance funds and private parties;

(4) act as a centralized repository of State risk information that can be accessed by private-market participants seeking to participate in the transactions described in paragraphs (2) and (3) of this section;

(5) use a catastrophe risk database to perform research and analysis that encourages standardization of the risk-linked securities market;

(6) perform any other functions, other than assuming risk or incurring debt, that are deemed necessary to aid in the transfer of catastrophe risk from participating States to private parties; and

(7) submit annual reports to Congress describing the activities of the Consortium for the preceding year.

SEC. 113. POWERS.

The Consortium—

(1) may make and perform such contracts and other agreements with any individual or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Consortium; and

(2) shall have such other powers, other than the power to assume risk or incur debt, as may be necessary and incident to carrying out this division.

SEC. 114. NONPROFIT ENTITY; CONFLICTS OF INTEREST; AUDITS.

(a) NONPROFIT ENTITY.—The Consortium shall be a nonprofit entity and no part of the net earnings of the Consortium shall inure to the benefit of any member, founder, contributor, or individual.

(b) CONFLICTS OF INTEREST.—No director, officer, or employee of the Consortium shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any Consortium, partnership, or organization in which he or she is directly or indirectly interested.

(c) AUDITS.—

(1) ANNUAL AUDIT.—The financial statements of the Consortium shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants.

(2) REPORTS.—The report of each annual audit pursuant to paragraph (1) shall be included in the annual report submitted in accordance with section 112(7).

SEC. 115. MANAGEMENT.

(a) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON.—

(1) BOARD OF DIRECTORS.—The management of the Consortium shall be vested in a board of directors (referred to in this title as the ''Board'') composed of not fewer than 3 members.

(2) CHAIRPERSON.—The Secretary, or the designee of the Secretary, shall serve as the chairperson of the Board.

(3) MEMBERSHIP.—The members of the Board shall include—

(A) the Secretary of Homeland Security and the Secretary of Commerce, or the designees of such Secretaries, respectively, but only during such times as there are fewer than 2 States participating in the Consortium; and

(B) a member from each State participating in the Consortium, who shall be appointed by such State.

(b) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Consortium.

(c) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Board who is not otherwise employed by the Federal Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Consortium.

(2) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Consortium.

(3) TRAVEL EXPENSES.—Members of the Consortium shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

(d) QUORUM.—A majority of the Board shall constitute a quorum.

(e) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Consortium, on such terms as the Board may determine.

SEC. 116. STAFF; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The Board of the Consortium may appoint and terminate such other staff as are necessary to enable the Consortium to perform its duties.

(2) COMPENSATION.—The Board of the Consortium may fix the compensation of the executive director and other staff.

(b) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

SEC. 117. FEDERAL LIABILITY.

The Federal Government and the Consortium shall not bear any liabilities arising from the actions of the Consortium. Participating States shall retain all catastrophe risk until the completion of a transaction described in paragraphs (2) and (3) of section 112.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for each of fiscal years 2009 through 2014.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

SEC. 201. ESTABLISHMENT.

The Secretary shall carry out a program under this title to make liquidity loans and catastrophic loans under section 202 to qualified reinsurance programs to ensure the solvency of such programs, to improve the availability and affordability of homeowners' insurance, to provide incentive for risk transfer to the private capital and reinsurance markets, and to spread the risk of catastrophic financial loss resulting from natural disasters and catastrophic events.

SEC. 202. LIQUIDITY LOANS AND CATASTROPHIC LOANS FOR STATE AND REGIONAL REINSURANCE PROGRAMS.

(a) CONTRACTS.—The Secretary may enter into a contract with a qualified reinsurance

program to carry out this title, as the Secretary may deem appropriate. The contract shall include, at a minimum, the conditions for loan eligibility set forth in this section.

(b) CONDITIONS FOR LOAN ELIGIBILITY.—A loan under this section may be made only to a qualified reinsurance program and only if—

(1) before the loan is made—

(A) the State or regional reinsurance program submits to the Secretary a report setting forth, in such form and including such information as the Secretary shall require, how the program plans to repay the loan; and

(B) based upon the report of the program, the Secretary determines that the program can meet its repayment obligation under the loan and certifies that the program can meet such obligation;

(2) the program cannot access capital in the private market, including through catastrophe bonds and other securities sold through the facility created in title I of this division, as determined by the Secretary, and a loan may be made to such a qualified reinsurance program only to the extent that such program cannot access capital in the private market;

(3) the Secretary determines that an event has resulted in insured losses in a State with a qualified reinsurance program;

(4) the loan complies with the requirements under subsection (d) and or (e), as applicable; and

(5) the loan is afforded the full faith and credit of the State and the State demonstrates to the Secretary that it has the ability to repay the loans.

(c) MANDATORY ASSISTANCE FOR QUALIFIED REINSURANCE PROGRAMS.—The Secretary shall, upon the request of a qualified reinsurance program and subject to subsection (b), make a loan under subsection (d) or (e) for such program in the amount requested by such program (subject to the limitations under subsections (d)(2) and (e)(2), respectively).

(d) LIQUIDITY LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that the qualified reinsurance program—

(A) has a capital liquidity shortage, in accordance with regulations that the Secretary shall establish; and

(B) cannot access capital markets at effective rates of interest lower than those provided in paragraph (3).

(2) AMOUNT.—The principal amount of the loan may not exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity as the loan and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 5 years and not more than 10 years.

(e) CATASTROPHIC LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that an event has resulted in insured losses in a State with a qualified reinsurance program and that such insured losses in such State are in excess of 150 percent of the aggregate amount of direct written premium for privately issued property and casualty insurance, for risks located in that State, over the calendar year preceding such event, in accordance with regulations that the Secretary shall establish.

(2) AMOUNT.—The principal amount of the loan made pursuant to an event referred to in paragraph (1) may not exceed the amount by which the insured losses sustained as a result of such event exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 0.20 percentage points higher than marketable obligations of the United States Treasury having a term to maturity of not less than 10 years and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 10 years.

(f) USE OF FUNDS.—Amounts from a loan under this section shall only be used to provide reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal real property or homeowners' lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners. Such amounts shall not be used for any other purpose.

SEC. 203. REPORTS AND AUDITS.

The Secretary shall submit a report to the President and the Congress annually that identifies and describes any loans made under this title during such year and any repayments during such year of loans made under this title, and describes actions taken to ensure accountability of loan funds. The Secretary shall provide for regular audits to be conducted for each loan made under this title, and shall make the results of such audits publicly available.

SEC. 204. FUNDING.

(a) PROGRAM FEE.—

(1) IN GENERAL.—The Secretary may establish and collect, from qualified reinsurance programs that are precertified pursuant to section 103(c), a reasonable fee, as may be necessary to offset the expenses of the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

(A) costs of developing, implementing, and carrying out the program under this title; and

(B) costs of providing for precertification pursuant to section 103(c) of State and regional reinsurance programs as qualified reinsurance programs.

(2) ADJUSTMENT.—The Secretary may, from time to time, adjust the fee under paragraph (1) as appropriate based on expenses of the Secretary referred to in such paragraph.

(3) USE.—Any fees collected pursuant to this subsection shall be credited as offsetting collections of the Department of the Treasury and shall be available to the Secretary only for expenses referred to in paragraph (1).

(b) COSTS OF LOANS; ADMINISTRATIVE COSTS.—To the extent that amounts of negative credit subsidy are received by the Secretary in any fiscal year pursuant to loans made under this title, such amounts shall be available for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and for costs of carrying out the program under this title for such loans.

(c) FULL TAXPAYER REPAYMENT.—The Secretary shall require the full repayment of all loans made under this title. If the Secretary determines at any time that such full repayment will not made, or is likely not to be made, the Secretary shall promptly submit a report to the Congress explaining why such full repayment will not be made or is likely not to be made.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 6, strike ''and''.

On page 8, line 9, strike ''policy.''.'' and insert the following: ''policy; and

''(3) any property purchased on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2007.''.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; as follows:

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''at least 60 days'' and inserting ''more than 2 months''; and

(2) in subparagraph (B), by striking ''at least 60 days'' and inserting ''more than 2 months''.

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking ''more than 60 days in a calendar year'' and inserting ''more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 15, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on development of oil shale resources.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina__Weinstock@energy.Senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at 202–224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources will hold a business meeting on Wednesday, May 7, at 9:45 a.m., in room 366 of the Dirksen Senate Office Building to consider pending bills on its shortlist of Agenda items.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 6, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Perchlorate and TCE in Water.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Seizing the New Opportunity for Health Reform''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 2:30 p.m. to hold a hearing on Holocaust era insurance restitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 6, 2008, at 2:30 p.m. to hold a hearing on the nomination of Michael E. Leiter to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Policing Lenders and Protecting Homeowners: Is Misconduct in Bankruptcy Fueling the Foreclosure Crisis?'' on Tuesday, May 6, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Ryan Davis, an intern with the Republican Conference, be granted floor privileges for the remainder of the month.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Kim Allen, a staffer for the Republican Conference, be granted floor privileges for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that David Greenwald, of my Finance Committee staff, be granted the privileges of the floor during the month of May.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Maria Honeycutt, a Congressional Science Fellow in the office of Senator BILL NELSON, be granted floor privileges for the duration of the Senate's consideration of S. 2284, the Flood Insurance Reform and Modernization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR PAYMENT OF SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5493 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5493) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, the amendment that I am offering on behalf of myself and Senator MCCONNELL addresses technical issues with respect to the ''cooling-off period'' for senior staff members.

Under title 18 and the Senate rules, staff members whose salary is above a certain threshold are prohibited from lobbying the Senate for a period of 1 year. One of the reforms in S. 1, the ethics reform bill we enacted last year, was to broaden the scope of the ban—senior staff members who were previously prohibited from lobbying individual Senate offices for a year are now prohibited from lobbying the entire Senate.

However, we have been made aware of an unintended consequence of the law: some junior staff members who receive salary bonuses over a period of 2 months are inadvertently covered by the lobbying ban, which is now even more sweeping. The Reid-McConnell amendment addresses this problem by providing that a staff member whose

salary is above the threshold for only 2 months will not be covered by the ban, even if those 2 months—for example, July and August—have an aggregate of more than 60 days.

Our amendment also makes the criminal law and Senate Rule XXXVII consistent. Both the law and the rule will now look back over the same time period, i.e., 1 year before an employee's termination, and the threshold will be the same, i.e., more than 2 months. Post-employment restrictions will thus be clearer to staff and the public, as well as easier to administer.

Under 2 U.S.C. 60c–1, Members, officers, and employees of the Senate are paid on a semimonthly basis: generally, the 20th of every month for the period of the 1st through the 15th and the 5th of the succeeding month for the period of the 16th through the end of the month. Thus, the language ''two months'' is intended and shall mean in the Senate equal to four pay periods. If an employee were to be paid above the threshold amount for more than four pay periods, for example, for four and any part of a fifth pay period, he or she would be covered by the restrictions of both the law and the rule.

Mr. President, the amendment is at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4712) was agreed to, as follows:

(Purpose: To propose a technical amendment relating to Senate pay periods)

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''at least 60 days'' and inserting ''more than 2 months''; and

(2) in subparagraph (B), by striking ''at least 60 days'' and inserting ''more than 2 months''.

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking ''more than 60 days in a calendar year'' and inserting ''more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 5493), as amended, was passed.

RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 552.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 552) recognizing the 150th anniversary of the State of Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the ''Gopher State'', the ''North Star State'', and the ''Land of 10,000 Lakes'';

Whereas Minnesota's name comes from the Dakota word ''minesota'', meaning ''water that reflects the sky'', and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

CONGRATULATING CHARLES COUNTY, MARYLAND

Mr. REID. Mr. President, I ask unanimous consent that we proceed now to S. Res. 553.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 553) congratulating Charles County, Maryland, on the occasion of its 350th anniversary.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 553) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel ''Uncle Tom's Cabin'';

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the

county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–17

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 6 of this year by the President of the United States:

Tax Convention with Iceland (Treaty Document No. 110–17).

I further ask that the treaty be considered as having been read the first time; that it be referred, with the accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on October 23, 2007, at Washington, D.C. (the ''proposed Treaty''). The proposed Treaty would replace the existing income tax Convention with Iceland that was concluded in 1975 (the ''existing Treaty''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Treaty.

The proposed Treaty contains a comprehensive provision designed to prevent so-called treaty shopping. The existing Treaty contains no such protections, resulting in substantial abuse of the existing Treaty's provisions by third-country investors. The proposed Treaty also reflects changes to U.S. and Icelandic law and tax treaty policy since 1975.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2008*.

ORDERS FOR WEDNESDAY, MAY 7, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day; that there be a period of morning business for up to 1 hour with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; and that following morning business, the Senate resume consideration of the motion to proceed to S. 2284, the flood insurance legislation, and that all time during the adjournment, recess, or period of morning business count against cloture; I further ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we expect to be in a position tomorrow to work on the flood insurance bill, as I indicated. In the morning there will be a unanimous consent asked immediately upon coming in so we can start legislating on this matter.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, May 7, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

TROY A. PAREDES, OF MISSOURI, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2013, VICE PAUL S. ATKINS, RESIGNED.

FEDERAL ELECTION COMMISSION

CYNTHIA L. BAUERLY, OF MINNESOTA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE ROBERT D. LENHARD.

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE MICHAEL E. TONER, RESIGNED.

DONALD F. MCGAHN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE DAVID M. MASON, TERM EXPIRED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 6, 2008, withdrawing from further Senate consideration the following nominations:

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH, WHICH WAS SENT TO THE SENATE ON JANUARY 25, 2008.